

4649. Adulteration of tomato ketchup. U. S. * * * v. 80 Cases, 8 Barrels, and 24 Jugs of * * * Tomato Ketchup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7027. I. S. Nos. 10796-1, 10797-1, 10798-1. S. No. C-386.)

On November 15, 1915, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 cases, each containing 4 dozen bottles, 8 barrels, each containing 22 dozen bottles, 20 cases, each containing 2 dozen bottles, and 4 crates, each containing 6 jugs, of tomato ketchup, remaining unsold in the original unbroken packages at Covington, Ky., alleging that the article had been shipped and transported from the State of Ohio into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The 20 cases referred to were labeled: (On ends of cases) "2 Doz. Tomato Catsup. A. W. Colter Canning Co. Mt. Washington, Ohio." (On top of cases) "Glass This Side Up." The bottles in these cases were labeled: (Neck label) "Contains no Chemical Preservative." (Main label on bottle) "Contents 15 oz. Avoirdupois The C Trade Mark Colter Tomato Catsup Not Artificially Colored Prepared with Pure Spices, Salt, Onions and Granulated Sugar. The A. W. Colter Canning Co. Mt. Washington, O." The 60 cases were labeled: (On end of cases) "4 Doz. Tomato Catsup A. W. Colter Canning Co. Mt. Washington, Ohio." (On top of cases) "Glass this side up." The bottles in these cases were labeled: (Neck label) "Contains no Chemical Preservative." (Main label on bottle) "Contents 6 oz. Avoirdupois The C Trade Mark Colter Tomato Catsup Not Artificially Colored Prepared with Pure Spices, Salt, Onions and Granulated Sugar The A. W. Colter Canning Co. Mt. Washington, O." The jugs were labeled: (Pasted on jug) "The C Trade Mark Colter Tomato Catsup Not Artificially Colored Prepared with Pure Spices Vinegar, Salt, Onions, and Granulated Sugar. The A. W. Colter Canning Co., Mt. Washington, O. Contains 1-10 of 1% Benzoate Soda." (Stamped with rubber stamp) "Contents 9 lbs." The barrels and the crates containing the jugs were not labeled.

Adulteration of the article was alleged in the libel for the reason that it contained, and in part consisted of, a decomposed vegetable matter.

On December 6, 1915, the A. W. Colter Canning Co., Mount Washington, Ohio, claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the containers thereof should be delivered to said claimant after destruction of the product, and that said claimant should pay the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*