

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1477.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ADULTERATION OF TOMATO PASTE AND TOMATO SAUCE.

On or about August 30, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Florinda Delgaizio and Frank A. Garamone, copartners, doing business under the firm name of V. Delgaizio (V. Del Gaizo), New York, N. Y., alleging:

(1) Shipment by them, in violation of the Food and Drugs Act, on or about September 23, 1910, from the State of New York into the State of Pennsylvania of a consignment of tomato paste which was adulterated. The product was labeled: "Packed by V. DelGaizio S. Giovanni a Teduccio, Naples, Italy. Tomato Paste guaranteed Pure. The best in the world." Examination by the Bureau of Chemistry of the United States Department of Agriculture of a sample of this product showed the following results: Yeasts and spores, 400 per one-sixtieth cmm.; bacteria 120 million per cc.; 600 organisms per gram on dextrose agar; 400 organisms per gram on wort agar; and the absence of any gas-producing organisms; mold filaments in 71 per cent of the fields.

(2) Shipment by them, in violation of the Food and Drugs Act, on or about November 5, 1910, from the State of New York into the State of Pennsylvania of a consignment of tomato sauce which was adulterated. The product was labeled: "Packed by V. Del Gaizo S. Giovanni a Teduccio Naples, Italy. Tomatoes Sause. Guaranteed Pure. The Best in the World." Examination of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores, 600 per one-sixtieth cmm.; bacteria 250 million per cc.; 400 organisms per gram on dextrose agar after three days' incubation; 400 organisms per gram on wort agar; no gas-producing organisms were found present in 0.01 gram quantities; and mold filaments in 83 per cent of the fields.

Adulteration was alleged in the information for the reason that both products consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, rotten, filthy, decomposed, and putrid tomatoes.

On February 19, 1912, the defendants entered a plea of guilty to the information and the court sentenced them to pay a fine of \$50.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 22, 1912.*

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