

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1838.

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

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On March 9, 1912, the United States Attorney for the Western District of New York, 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 345 cases, each containing 24 bottles of alleged tomato catsup, remaining unsold in the original unbroken packages and in possession of S. M. Flickinger Co., a corporation, Buffalo, N. Y., alleging that the product had been shipped on December 13, 1911, by R. V. Crine Seed Co., a corporation, Morganville, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "2 Doz. Crine's Choice Tomato Catsup Preserved with 1-10 of 1% Benzoate of Soda. Packed by The R. V. Crine Seed Co., Morganville, N. J." (On bottles) "Crine's Choice Catsup Made from whole tomatoes, granulated sugar, salt, onions, pure spices, grain vinegar. Packed by R. V. Crine Seed Co., Morganville, N. J. Contains 1-10 of 1% Benzoate of soda."

Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy, decomposed vegetable substance, to wit, tomato catsup containing bacteria, yeasts, spores, and mold filaments. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead all purchasers.

On June 8, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal, and that the costs of the proceeding, amounting to \$79.10, should be paid by the various owners and holders of the product.

W. M. HAYS,
Acting Secretary of Agriculture.

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

