

4371. Adulteration and misbranding of tomato paste. U. S. v. Luigi Vecchi, Inc., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 6011. I. S. Nos. 625-h, 6439-h.)

On March 13, 1916, the United States attorney for the Southern 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 an information against Luigi Vecchi, Inc., a corporation, New York, N. Y., alleging the sale by said defendant, in violation of the Food and Drugs Act, on March 6, 1913, and October 29, 1913, under a guaranty that the articles were not adulterated or misbranded within the meaning of the Food and Drugs Act, of quantities of tomato paste, the first of which was adulterated, and the second adulterated and misbranded, within the meaning of said act, and which said articles, in the identical condition in which they had been received, were unlawfully shipped by the purchasers thereof on March 9, 1914, from the State of New York into the State of Georgia, and, on or about December 12, 1913, from the State of New York into the State of Utah, respectively. The tomato paste was labeled: "Parma Brand" (representation of river, bridge, and city in background) "Conserva Di Pomodoro Tomato Paste. This is the first concentrated tomato paste made in America. It is manufactured with the latest improved machinery under the strictest sanitary conditions and by men of long experience from Parma, Italy. It is made from the best selected ripe Jersey tomatoes and is guaranteed to be free from any coloring or chemical substance. It is found very convenient for preparing spaghetti, rice, meats or any dish requiring tomatoes and is a delicious flavoring and coloring for soups and sauces. Used by all first class hotels and restaurants. Best in the World Parma, Luigi Vecchi, Inc., New York, Factory, Hazlet, N. J. Contents 15 oz. net Guaranteed by Luigi Vecchi, Inc., under the Food and Drugs Act June 30, 1906. Serial No. 44720."

Examinations of samples of the article in both shipments by the Bureau of Chemistry of this department showed the following results:

Sample from shipment to Georgia:

Yeast and spores (per 1/60 cmm) -----about__ 2,000
 Bacteria (per cc) -----about__ 1,000,000,000
 Mold filaments present (per cent of microscopic fields) ----- 36

Small decayed fragments of tomato could be picked from this product.

A partially decomposed vegetable product.

Samples from shipment to Utah:

Sample No.	Yeast and spores per 1/60 cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
1.....	315	450,000,000	24
2.....	334	450,000,000	32
			<i>Per cent fields.</i>

Four additional cans were examined and all were found to be very high in bacteria and yeast.

A partially decomposed vegetable product.

Sample No.	Weight.		Shortage.	
	Ounces.	Ounces.	Ounces.	Per cent.
1.....	14.5	0.5		3.3
2.....	13.2	1.8		12.0
3.....	13.0	2.0		13.3
4.....	14.0	1.0		6.7
5.....	13.8	1.2		8.0
6.....	13.7	1.3		8.6
Average shortage.....			1.3	8.6

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a decomposed vegetable matter.

Misbranding of the article shipped December 12, 1913, was alleged for the reason that the statement, to wit, "Contents 15 oz. Net," borne on the labels attached to the cans, regarding the article, was false and misleading in that it indicated that the cans each contained 15 ounces net, and was such as to deceive and mislead the purchaser into the belief that the cans each contained 15 ounces net of the article, whereas, in truth and in fact, the cans did not each contain 15 ounces net of the article, but contained a less amount.

On March 21, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

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