

5914. Adulteration and misbranding of tomato pulp. U. S. * * * v. The Rider Packing Co., Inc., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 7838. I. S. Nos. 10125-1, 10126-1, 11153-1, 12519-1, 12706-1, 12707-1, 12712-1, 12715-1.)

On December 15, 1917, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in the District Court of the United States for the district aforesaid against The Rider Packing Co., Inc., a corporation, Crothcrsville, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on October 2, 1915, November 5, 1915 (two shipments), November 6, 1915, November 23, 1915, and December 7, 1915, from the State of Indiana into the State of Illinois; and on November 6, 1915, into the State of Kentucky; and on November 24, 1915, into the State of Texas, of quantities of an article in cans, labeled in part, "Rider's 'Class A' Brand 'Tomato Pulp,'" which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed added starch or added starchy material which is not a normal ingredient of tomato pulp. The starchy material was identified in some of the samples as a wheat product.

Adulteration of the article in each shipment was charged in the indictment for the reason that a substance, to wit, starch or a starchy material had been substituted in part for tomato pulp, which the article purported to be.

Misbranding of the article in each shipment was charged for the reason that the statement borne on the labels attached to the cans, regarding the article and ingredients and substances contained therein, to wit, "Tomato Pulp. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings," was false and misleading in that it represented that the article was pure tomato pulp; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure tomato pulp, whereas, in truth and in fact, it was not, but was a product composed in part of starch or a starchy material. Misbranding of the article in each shipment was charged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 9, 1918, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$100 and costs.

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