

4550. Adulteration of tomato pulp. U. S. v. Austin Canning Co., a corporation. Plea of guilty. Fine, \$225. (F. & D. No. 6782. I. S. Nos. 7542-h, 7684-h, 7685-h, 8821-h, 9290-h, 11245-k.)

On May 5, 1916, 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 against the Austin Canning Co., a corporation, Austin, Ind., charging shipment by said company in violation of the Food and Drugs Act:

(1) On November 15, 1913, from the State of Indiana into the State of Alabama, of a quantity of tomato pulp which was adulterated. This article was labeled: (On shipping package) "Our Best Brand Tomato Pulp Leota Canning Co., Leota, Ind. Contents 10 Oz." (On can) "Our Best Brand Tomato Pulp Leota Canning Co., Leota, Ind. Contents 10 Oz."

(2) On January 13, 1914, from the State of Indiana into the State of Kansas, of a quantity of tomato pulp which was adulterated. This article was labeled, (On can) "Wild Flower Brand (design tomato) Tomato Pulp. Wild Flower Brand Distributed by the Inter-City Grocer Co., Kansas City, U. S. A. Contents 11 oz."

(3) On January 31, 1914, from the State of Indiana into the State of Ohio, of a quantity of tomato pulp which was adulterated. This article was labeled: (On tin cans) "Scott Co. Brand Whole Tomato Pulp" (Design of whole red ripe tomato) "Packed by Austin Canning Co., Austin, Ind. Contents 10 oz. Guaranteed by Austin Canning Co. Under the Food and Drugs Act June 30, 1906. This Tomato Pulp is especially made for home use as a condiment with Macaroni or Tomato Soup and as a sauce for Roasts and Stews. Use as follows: For Macaroni Use a tablespoonful per dish of Macaroni, with celery, salt and pepper. For Meat Sauce add a few small pieces of onion and white pepper to several tablespoonfuls and heat. For soup Allow one or two tablespoonfuls per plate and add spices to suit."

(4) On March 16, 1914, from the State of Indiana into the State of Alabama, of a quantity of tomato pulp which was adulterated. This article was labeled, in part: (On shipping case) "Scott Co. Whole Tomato Pulp Packed by The Austin Canning Co., Austin, Ind. Contents 10 oz. Guaranteed by The Austin Canning Co. under the Food and Drugs Act, June 30, 1906 * * *." (On can) "Scott Co. Whole Tomato Pulp Packed by Austin Canning Co., Austin, Ind. Contents 10 oz. Guaranteed by Austin Canning Co. under the Food and Drugs Act, June 30, 1906 * * *."

(5) On March 30, 1914, from the State of Indiana into the State of Alabama, of a quantity of tomato pulp which was adulterated. This article was labeled, in part: (On can) "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co. Austin, Ind. Contents 10 Oz. Guaranteed by Austin Canning Co. under the Food and Drugs Act June 30, 1906. This Tomato pulp is especially made for home use as a condiment with Macaroni or Tomato Soup and as a sauce for Roasts and Stews. Use as follows: * * *." (On shipping case) "* * * From Austin Canning Co., Incorporated packers of Extra Quality Canned Goods Austin, Indiana." Also, one can label (R. R. mark) "65454 So. Ry. 1.5 Louisville."

(6) On June 16, 1914, from the State of Indiana into the State of Ohio, of a quantity of tomato pulp which was adulterated. This article was labeled: (On can) "Our Best Tomato Pulp. Packed by Austin Canning Co., Austin, Ind. (Picture of red tomato—farm scene) Roanoke Valley." (On shipping case) Can label, as above, pasted on end of shipping case of 24 cans each. Shipping paster: "* * * From Austin Canning Co., Incorporated. Foods. Austin, Indiana."

Examination of samples from all of the shipments aforementioned by the Bureau of Chemistry of this department showed that the article in each case was a partially decomposed vegetable product.

Adulteration of the article was charged in the first and fifth counts of the indictment for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance, and in the second, third, fourth, and sixth counts of the indictment for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 19, 1916, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$100 on the first count thereof, and \$25 on each of the other five counts, making an aggregate fine of \$225.

CARL VROOMAN, *Acting Secretary of Agriculture.*