

5299. Adulteration and misbranding of "Diamond Brand Tomato Pulp."
U. S. * * * v. Booth Packing Co., a corporation. Plea of guilty.
Fine, \$20. (F. & D. No. 7736. I. S. Nos. 3534-1, 3540-1.)

On April 4, 1917, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Booth Packing Co., a corporation doing business at Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 30, 1915, and December 23, 1915, from the State of Maryland into the State of New York, of a quantity of an article labeled in part: "Diamond Brand Tomato Pulp * * * Weight of Contents 10 oz.," which was adulterated and misbranded.

Analysis of a sample of the article in each shipment by the Bureau of Chemistry of this department showed that it consisted of a partially decomposed vegetable product and was short weight.

Adulteration of the article in each shipment was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the statement, to wit, "Weight of Contents 10 oz.," borne on the label attached to the cans, regarding the article, was false and misleading in that it represented that the contents of the said cans weighed 10 ounces; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the contents of said cans weighed 10 ounces, whereas, in truth and in fact, it did not, but weighed a less amount.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

R. A. PEARSON, *Acting Secretary of Agriculture.*