

5981. Adulteration and misbranding of "Red Conserve." U. S. * * * v. Luigi Vecchi, a corporation. Plea of guilty. Fine, \$350. (F. & D. No. 8357. I. S. Nos. 1280-m, 1285-m, 1288-m, 1294-m.)

On September 24, 1917, the United States attorney for the District of New Jersey, 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, a corporation, doing business at Hazlet, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 25, 1916, November 9, 1916, November 10, 1916, and between October 26, 1916 and November 22, 1916, from the State of New Jersey into the State of New York, of quantities of an article labeled in part, "Conserva Rossa Red Conserve Stoeple Brand, * : * Made in the State of New Jersey by Luigi Vecchi, Inc., New York," which in the first shipment was adulterated and misbranded, in the second shipment was adulterated, and in the third and fourth shipments was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the following results:

The article in the first shipment was a partially decomposed vegetable product, consisting essentially of tomatoes and at least 30 per cent of apple.

The article in the second shipment was a partially decomposed vegetable product.

The article in the third shipment was essentially a mixture of tomatoes with at least 20 per cent of apple.

The article in fourth shipment was essentially a mixture of tomatoes and at least 30 per cent of apple.

Adulteration of the article in the first and second shipments was alleged in the information for the reason that it consisted in part of decomposed vegetable substances.

Misbranding of the article in the first, third, and fourth shipments was alleged for the reason that the statement, "A blend of 75% tomatoes, 10% selected fruits and vegetables and 15% salt, sugar and spices," borne on the label, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 75 per cent of tomatoes and not more than 10 per cent of selected fruits and vegetables, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 75 per cent of tomatoes and not more than 10 per cent of selected fruits and vegetables, whereas, in truth and in fact, it did not contain 75 per cent of tomatoes, but contained a less amount, to wit, approximately 55 or 65 per cent, and contained a greater amount than 10 per cent of selected fruits and vegetables, to wit, approximately 30 per cent, or 20 per cent, as the case might be.

On October 8, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$350.

CARL VROOMAN, *Acting Secretary of Agriculture.*