

6643. Adulteration and misbranding of tomato pulp. U. S. * * * v. Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall (Roberts Bros.). Pleas of guilty as to counts 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 17, 18, 20, and 21, charging adulteration and misbranding. Counts 3, 6, 10, 13, 16, 19, and 22, charging misbranding in violation of the net weight amendment, nolle prossed. Fine, \$375 and costs. (F. & D. No. 8898. I. S. Nos. 2327-p, 2332-p, 2334-p, 2373-p, 2354-p, 2949-p, 2399-p.)

On June 28, 1918, 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 Oliver P. Roberts, James H. Roberts, William H. Roberts, M. Raymond Roberts, and James O. Langrall, copartners, trading as Roberts Bros., Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 6, 1917, September 11, 1917 (two shipments), October 9, 1917, November 6, 1917 (two shipments), and November 22, 1917 (two shipments), from the State of Maryland into the State of Pennsylvania, of quantities of an article labeled in part, "Big R Brand Tomato Pulp, Contents Weigh 10 oz.," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the pulp to have been made from partially decayed tomatoes and the contents to be less than 10 ounces except in one shipment of September 11.

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, putrid, and decomposed vegetable substance.

Misbranding of the article in each shipment except in one of the shipments on September 11, 1917, was alleged for the reason that the statement, to wit, "Contents Weigh 10 oz.," borne on the labels attached to the cans containing the article, regarding it, was false and misleading, in that it represented that the contents of said cans weighed 10 ounces each, whereas, in truth and in fact, it did not, but weighed a less amount.

Misbranding of the article in each shipment except in one of the shipments on September 11, 1917, was alleged 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 June 28, 1918, the defendants entered pleas of guilty to counts 1, 2, 4, 5, 7, 8, 9, 11, 12, 14, 15, 17, 18, 20, and 21 of the information, charging adulteration and misbranding, as to short weight, and the court imposed a fine of \$375 and costs. Counts 3, 6, 10, 13, 16, 19, and 22, charging misbranding under the net weight amendment, were nolle prossed.

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