

4433. Adulteration and misbranding of tomato paste and tomato conserve.

U. S. v. George Roncoroni. Plea of guilty. Fine, \$50. (F. & D. No. 6381. I. S. Nos. 7617-e, 7618-e.)

On October 13, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Roncoroni, New York, N. Y., alleging the sale by said defendant, in violation of the Food and Drugs Act, on December 13, 1912, and February 12, 1913, under a guaranty that the articles were not adulterated or misbranded under the Food and Drugs Act, of quantities of tomato paste and tomato conserve, respectively, which were adulterated and misbranded articles within the meaning of said act, and which said articles, on January 8 and February 25, 1913, respectively, were shipped by the purchaser thereof, in the identical condition in which received from the defendant, and transported from the State of New York into the State of Utah, in further violation of said act. The tomato paste was labeled: "Tomato Paste (Picture of tomato) Roncoroni The contents of this can is a pure vegetable compound Red Puro Pomodoro (Directions in Italian) Directions. For one pound of maccaroni use one teaspoonful dissolved in water. Add the same quantity for each pound of maccaroni. The same is used for Roast Meats, Stews, etc., etc. It flavors the meat and gives it a nice coloring. G. Roncoroni, 148 Spring St., N. Y. Distributor. Salted Tomato Paste. Guaranteed under the Food and Drugs Act June 30, 1906. Serial No. 10788. Manufactured in United States. This maccaroni tastes fine, what do you use? Why we use Antonio Roncoroni Conserva Trade Mark."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results:

Starch, by diastase (per cent)-----	2.29
Total reducing substances, by direct acid hydrolysis, calculated as starch (per cent)-----	5.11
Reducing sugars as invert (per cent)-----	2.97
Solids (per cent)-----	18.33
Ash (per cent)-----	10.05
Salt (per cent)-----	9.39

Product contains added starch.

The tomato conserve was labeled: "Conserva di Pomodoro Roncoroni Rossa The contents of this can are tomatoes with added salt and starch. Pure Pomodoro (Directions in Italian) Directions. For one pound of maccaroni use one teaspoonful dissolved in water. Add the same quantity for each pound of maccaroni. The same is used for Roast Meats, Stews, etc., etc. It flavors the meat and it gives it a nice coloring. New York Conserva Co. 148 Spring St., N. Y. Chi Vuola Mangiare dei Buoni Maccheroni usi la Conserva di Antonio Roncoroni. Sold by all of the Italian Grocers. This maccaroni tastes fine. What do you use? Why, we use Antonio Roncoroni Conserva. Trade Mark."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Starch, by diastase (per cent)-----	1.70
Total reducing substances, by direct acid hydrolysis, calculated as starch (per cent)-----	3.45
Reducing sugars as invert (per cent)-----	1.96
Solids (per cent)-----	20.88
Ash (per cent)-----	14.38
Salt (per cent)-----	13.71

Adulteration of the articles was alleged in the information for the reason that a substance, to wit, starch, had been mixed and packed therewith so as to reduce or lower and injuriously affect their quality, and for the further reason that a substance, to wit, starch, had been substituted in part for tomato paste (or tomato conserve, as the case might be), which the articles purported to be.

Misbranding was alleged for the reason that the statement, to wit, "tomato paste" (or "Conserva di Pomodoro," as the case might be) in prominent type borne on the label regarding the article and the ingredients and substances contained therein, together with the device of a ripe tomato, which statement and device were not corrected by the statement "The contents of this can is a pure vegetable compound" (or "The contents of this can are tomatoes with added salt and starch") in type so inconspicuous as to be indiscernible unless closely scrutinized, was false and misleading in that it indicated that the article consisted entirely of tomato paste (or tomato conserve), and was such as to deceive and mislead the purchaser into the belief that the article was a tomato paste (or a tomato conserve); that is, a paste (or conserve) consisting entirely of tomatoes, salt, and spices, whereas, in truth and in fact, said article did not so consist, but consisted of a mixture of tomatoes, salt, spices, and a substance not a normal ingredient of tomato paste, to wit, starch.

On October 18, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*