

5571. Adulteration and misbranding of tomato paste. U. S. * * * v. George Roncoroni. Plea of guilty. Fine, \$15. (F. & D. No. 8002. I. S. Nos. 2035-1, 2036-1.)

On March 30, 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 George Roncoroni, Alloway, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 20, 1915, and November 1, 1915, from the State of New Jersey into the State of New York, of quantities of an article labeled in part, "Tomato Paste," which was adulterated and misbranded.

Examination of samples of the article in each shipment by the Bureau of Chemistry of this department indicated that it was a partially decomposed vegetable product; and further that the article in one of the shipments contained potato starch and some vegetable substance other than tomatoes.

Adulteration of the article in each of the shipments was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance; and for the further reason that a certain substance to [wit], potato paste, had been substituted in part for tomato paste, which the article purported to be; and for the further reason that potato paste had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article in each shipment was alleged for the reason that the statement concerning the article and the ingredients and substances contained therein appearing on the label, to wit, "Tomato Paste," was false and misleading in that it represented that the article was tomato paste; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was tomato paste, whereas, in fact and in truth, it was not, but was a mixture of tomato paste and potato paste.

On May 14, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

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