

6552. Misbranding of concentrated strained tomatoes. U. S. * * * v. W. H. Neal & Son Co., a corporation. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 8982. I. S. No. 2394-p.)

On November 23, 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 W. H. Neal & Son Co., a corporation, Hurlock, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 28, 1917, from the State of Maryland into the State of Pennsylvania, of a quantity of an article labeled in part, "Sun Lite Brand Concentrated Strained Tomatoes * * * Contents 11 oz.," which was misbranded.

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

NET WEIGHT.	
<i>Can No.</i>	<i>Ounces.</i>
1 -----	10.45
2 -----	10.10
3 -----	10.15
4 -----	9.85
5 -----	10.30
6 -----	10.20
Average shortage (per cent) -----	7.5

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 11 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 each of the cans weighed 11 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 each of the cans weighed 11 ounces, whereas, in truth and in fact, they did not, but weighed a less amount. Misbranding of the article 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 November 23, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

J. R. RIGGS, Acting Secretary of Agriculture.