

**8533. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. The Booth Packing Co., a Corporation. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 8709. I. S. Nos. 11114-m, 11115-m.)**

On August 10, 1920, 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 the Booth Packing Co., a corporation, doing business at Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 25, 1916, from the State of Maryland into the State of Iowa, of a quantity of canned tomatoes which were adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the presence of substantial amounts of added water.

Adulteration of the article was alleged in the information for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement "Booth's Tomatoes," appearing on the labels thereof, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented to purchasers thereof that said article consisted entirely of tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted entirely of tomatoes, whereas, in truth and in fact, said article did not consist entirely of tomatoes, but consisted in part of added water.

On August 11, 1920, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8534. Adulteration and misbranding of cottonseed meal. U. S. \* \* \* v. Margaret R. Ready and Richard T. Doughtie (New South Oil Mill). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 9204. I. S. No. 19663-m.)**

On November 16, 1918, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Margaret R. Ready and Richard T. Doughtie, copartners, trading as the New South Oil Mill, Helena, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 1, 1917, from the State of Arkansas into the State of Indiana, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part, "Farmer Brand Straight Cotton Seed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 32.9 per cent of protein and at least 33 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that added cottonseed hulls had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "36.0 per cent of crude protein," borne on the tags attached to the sacks containing the article, 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 36 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it contained not less than 36 per cent of crude protein, whereas, in truth and in fact, it did contain less than 36 per cent of crude protein, to wit, approximately 32.9 per cent of crude protein.