

**4669. Adulteration of canned tomatoes. U. S. \* \* \* v. William Miller et al. (Miller Bros. & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 7071. I. S. No. 25819-h.)**

On March 22, 1916, 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 William Miller and Emanuel H. Miller, copartners, trading as Miller Bros. & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 18, 1914, from the State of Maryland into the State of Pennsylvania, of a quantity of canned tomatoes which were adulterated. The article was labeled: "Jumbo Brand" (Picture of elephant's head in a circle with the words:) "Trade Mark Registered U. S. Pat. Off." (On another part of the label was a picture of a red tomato in a circle with the words) "Contents 2 lbs. Established 1864. Miller Bros. & Co., Baltimore, Md. Distributors."

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

Immersion refractometer at 20° C.:

|   |      |
|---|------|
| Can 1.....                              | 29.2 |
| Can 2.....                              | 32.2 |
| Can 3.....                              | 30.6 |
| Can 4.....                              | 28.5 |
| Can 5.....                              | 29.2 |
| Can 6.....                              | 30.6 |
| <hr/>                                   |      |
| Average.....                            | 29.9 |
| Composite sample.....                   | 29.9 |
| Total solids (per cent).....            | 3.72 |
| Total ash (per cent).....               | 0.41 |
| Total chlorids, as NaCl (per cent)..... | 0.05 |
| Salt-free ash (per cent).....           | 0.36 |
| Total acids, as citric (per cent).....  | 0.30 |
| Total sugars, as invert (per cent)..... | 2.12 |

The product contains added water.

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

On March 22, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*