

**5799. Adulteration and misbranding of tomato sauce. U. S. \* \* \* v. Windy Hill Packing Co., a corporation. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 8252. I. S. No. 2526-m.)**

On July 19, 1917, 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 Windy Hill Packing Co., a corporation, Windy Hill, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 30, 1916, from the State of Maryland into the State of New York, of a quantity of an article labeled in part, "Pagliaccio Brand \* \* \* Pure Tomato Sauce," which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed [the] product to consist in part of decomposed tomato paste.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding was alleged for the reason that the statement concerning the article and the ingredients and substances contained therein appearing on the label, to wit, "Pure Tomato Sauce," was false and misleading in that it represented to purchasers that the article was pure tomato sauce, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a pure tomato sauce, whereas, in truth and in fact, it was not, but was a tomato sauce consisting in part of a filthy, decomposed, or putrid vegetable substance.

On July 19, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

*CARL VROOMAN, Acting Secretary of Agriculture.*