

6205. Adulteration and misbranding of tomatoes. U. S. * * * v. William F. Applegarth and Robert L. Simmons (William F. Applegarth). Plea of guilty. Fine, \$60. (F. & D. No. 8716. I. S. Nos. 2534-m, 1723-m.)

On May 10, 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 William F. Applegarth and Robert L. Simmons, trading as William F. Applegarth, Golden Hill, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 21, 1916, and November 13, 1916, from the State of Maryland into the State of New York, of quantities of articles labeled respectively in part, "Pride of Golden Hill Brand Tomatoes, packed by W. F. Applegarth, Golden Hill, Dorchester Co., Md.," and "Four-G Brand Tomatoes," which were adulterated and misbranded.

Analysis of samples of the article by the Bureau of Chemistry of this department indicated the addition of water to the tomatoes in both cases. In the case of the product labeled, "Pride of Golden Hill Brand," the net weight was not stated.

Adulteration of the article in each shipment was alleged in the information for the reason that a 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 part for tomatoes, which the article purported to be.

Misbranding of the article in the shipment labeled, "Pride of Golden Hill Brand Tomatoes," was alleged for the 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 May 10, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$60.

G. I. CHRISTIE, *Acting Secretary of Agriculture.*