

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** \* **CRIMINAL NO.**

**v.** \* **SECTION:**

**DENNIS W. FINCH** \*

\* \* \*

**FACTUAL BASIS**

If this matter had gone to trial the government would prove the following through competent testimony and evidence:

The defendant Dennis W. Finch owned a dairy farm located in Independence, Louisiana, in the Eastern District of Louisiana. Finch paid a milk transport driver (Driver) to haul his milk from approximately late February 2006 through May 2, 2006. When the Driver arrived at Finch's dairy farm to pick up Finch's milk, Finch would have a five gallon bucket of pre-mixed salt waiting for him. The Driver would take a sample of unadulterated milk before adding approximately 800 pounds of water and the salt to the milk shipment per Finch's direction. Finch paid the Driver approximately \$700-\$750 in cash on the first and fifteenth of the month for the Driver's participation in diluting his milk.

Milk is a food within the meaning of Title 21, United States Code, Section 321(f). The U.S. Food and Drug Administration (FDA) has the responsibility to protect the health and safety of the American public by insuring that marketed food products are honestly and truthfully labeled. The United States Department of Agriculture (USDA), was established to facilitate the marketing and distribution of milk and other agricultural products, to ensure fair trading practices, and to assure consumers of an abundant, high quality milk and food supply. The Dairy Farmers of America, Inc. (DFA) was an agricultural marketing corporation organized to market and sell milk in its natural or processed states. DFA operated a processing plant for milk at Franklinton, Louisiana, which processed raw milk within the State of Louisiana and sold both raw milk and milk products to customers within the State of Louisiana and outside the State of Louisiana. Finch was a member of the DFA.

Because diluting milk with water, salt, or other materials diminishes the economic and nutritional value of the milk, the DFA tested milk samples to insure the quality of the milk. Upon sampling milk contained in the Driver's milk truck, the DFA determined that salt and water had been added. Special Agents of the Food and Drug Administration confronted the Driver with this information who admitted that Finch had been adding salt and water to his milk. As it happened, the Driver was due to be paid on the day of the interview with the agents. Finch paid the Driver the agreed upon \$750. The Driver turned the \$750 in cash he had just received from Finch over to the agents.

The milk purchased by the DFA is sold to purchasers, consumers and others, and is introduced and delivered for introduction into interstate commerce from the State of Louisiana to

various locations within and outside the State of Louisiana. Due to the addition of water to Finch's load of milk, Finch's load appeared to weigh more, thus causing the DFA to pay more money than its actual value. It is calculated for the purpose of this factual basis that the provable amount Finch caused the DFA to over pay him was approximately \$9,000.

\_\_\_\_\_  
DENNIS FINCH      Date  
Defendant

\_\_\_\_\_  
Dorothy Manning Taylor      Date  
Asst U.S. Attorney

\_\_\_\_\_  
BRUCE DANNER      Date  
Attorney for the Defendant