

**4224. Adulteration and misbranding of pepper. U. S. \* \* \* v. 50 Boxes \* \* \* of Pepper. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6506. I. S. No. 14728-k. S. No. C-212.)**

On or about May 7, 1915, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 boxes, each containing 2 dozen four-ounce packages of pepper, remaining unsold in the original packages at Ottumwa, Iowa, alleging that the article had been shipped, on or about February 27, 1915, by the Thomson & Taylor Spice Co., Chicago, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The boxes were labeled: "Wapello Chief Brand. Guaranteed Finest Spices, Pepper." The retail packages were labeled: "Wapello Chief Brand Pepper. Guaranteed Finest Spices, Pepper. Four ounces net weight Black Pepper."

It was alleged in the libel that the boxes of pepper were misbranded as to the character of their contents, by brands appearing thereon upon the outside of said boxes, in violation of the Food and Drugs Act, and that the same were liable to condemnation and confiscation for the reason that the said boxes, or any of them, did not contain pure black pepper as the labels would indicate, but, in truth and in fact, contained wholly or in part a mixture of pepper and shells which had been added to, and substituted for, the best quality of black pepper in such a manner as to reduce and lower and injuriously affect its quality and strength, the same being prepared in imitation of pure best pepper, and the same had been packed in imitation of true black pepper, rendering the same adulterated in violation of section 7, paragraphs 1 and 2, of the Food and Drugs Act, and, further, that within said mixture were certain substances substituted for black pepper whereby the same was misbranded in violation of section 8, paragraphs 1, 2, and 4, of said Food and Drugs Act.

It was further alleged that the labeling of the boxes as containing "Finest Spices, Pepper. [Wapello Chief.] Brand Guaranteed" was misleading and false, and was such as to mislead the purchaser, and was such as to enable the offering of the contents for sale as being black pepper, when, in truth and in fact, the same was not such as was offered for sale, and it was [an] unlawful misbranding within the meaning of the statute aforesaid, and was also an unlawful adulteration and mixture of said product.

On June 18, 1915, the said Thomson & Taylor Spice Co., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company which had paid the costs of the proceedings and tendered bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**4225. Adulteration and misbranding of oats. U. S. \* \* \* v. 250 Bags \* \* \* of \* \* \* Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6511. I. S. No. 3137-k. S. No. E-261.)**

On or about May 5, 1915, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 250 bags, more or less, of oats, each bag containing 160 pounds, remaining unsold in the original unbroken packages at Bluefield, W. Va., alleging that the product had been shipped, on or about April 12, 1915, by Callahan & Sons, Louisville, Ky., and transported from the State of Illinois into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "160 lbs. Virginia White Oats Special Reg. U. S. Pat Off."

Adulteration of the article was alleged in the libel for the reason that said oats contained barley screenings, weed seed, and other foreign substances which had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that said oats were branded as "Virginia White Oats," when, in truth and in fact, said article was not "Virginia White Oats," but was a mixture of oats, oat screenings, weed seeds, and other foreign substances.

On June 2, 1915, the said Callahan & Sons, claimant, having filed its answer, and the cause having been submitted by agreement of counsel to the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$465, in conformity with section 10 of the act.

(The report of this department, upon which the proceedings in this case were based, stated that the sample examined contained 25.04 per cent barley and 28 per cent screenings.)

C. F. MARVIN, *Acting Secretary of Agriculture.*