

4237. Adulteration and misbranding of pepper. U. S. * * * v. 5 Barrels * * * of * * * Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6530. I. S. Nos. 14443-k, 14444-k. S. No. C-225.)

On May 12, 1915, the United States attorney for the District of Indiana, 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 5 barrels, more or less, of a product purporting to be pure pepper, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the product had been shipped and transported from the State of Illinois into the State of Indiana, 2 of the barrels having been received on or about January 30, and 3 barrels on or about February 11, 1915, from the Thomson & Taylor Spice Co., Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the barrels containing the product were marked and branded as follows: (On head of barrels) "Pure Pepper, * * *" whereas pepper shells had been mixed and packed with pure pepper so as to reduce, lower, and injuriously affect the quality and strength of said pure pepper, and that pepper shells had been substituted in part for pure pepper so that the aforesaid product in each of said barrels was adulterated contrary to the laws of Congress in that behalf made and provided.

It was further alleged that the aforesaid marks and brands on each of said barrels, "Pure Pepper," regarding the product, were false and misleading in that said product was not pure pepper, but was a mixture of pure pepper and pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as, and under the name of, pure pepper, whereas said product was a mixture of pure pepper and pepper shells. It was further alleged that the product was marked and branded so as to deceive and mislead the purchaser thereof into the belief that said product was pure pepper, whereas, in fact, it was a mixture of pepper shells and pure pepper. It was further alleged that the product contained in each of said barrels was misbranded contrary to the laws of Congress in that behalf made and provided.

On June 8, 1915, the said Thomson & Taylor Spice Co., a corporation, Chicago, Ill., claimant, having filed its answer admitting the allegations of the libel, judgment of condemnation was entered, and said claimant company having paid the costs of the proceedings and tendered its bond in the sum of \$500, in conformity with section 10 of the act, and the court having examined and approved said bond, it was ordered that the product should be delivered to said claimant and that said company should be granted leave to reship said merchandise to its place of business in Chicago, Ill.

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