

4483. Adulteration and misbranding of pepper. U. S. * * * v. 11 Boxes * * * of Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6572. I. S. No. 4651-k. S. No. E-288.)

On or about May 31, 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 11 boxes, each containing 6 pounds, of pepper, remaining unsold in the original unbroken packages at Huntington, W. Va., alleging that the article had been shipped, on or about May 10, 1915, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "Old Guyan Brand Pepper. 6 Pounds Net Weight."

Adulteration of the article was alleged in the libel for the reason that it contained [added] pepper shells.

Misbranding was alleged for the reason that the article was labeled and marked as pepper, when, as a matter of fact, the boxes contained pepper and [added] pepper shells.

On November 22, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

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