

Issued September 2, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 516, FOOD AND DRUGS ACT.

MISBRANDING OF BLACK PEPPER.

On or about April 23, 1909, the Wixon Spice Company, Chicago, Ill., shipped from the State of Illinois into the State of Idaho a consignment of black pepper. Samples from this shipment were procured and examined in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and the report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Wixon Spice Company, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois, charging the above shipment, and alleging that the product was misbranded, in that it was contained in cans labeled "3 Ounces, Net Weight, Idaho Strong Black Pepper. Packed by the Idaho Wholesale Grocery Company, Pocatello. Serial No. 5116," which statement as to the weight of said article was incorrect, as the net weight of said cans was less than 3 ounces.

On May 13, 1910, the defendant entered a plea of nolo contendere, and on June 9, 1910, the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *July 6, 1910.*

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