

Issued December 17, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 655, FOOD AND DRUGS ACT.

MISBRANDING OF PEPPER.

On or about February 10, 1908, the Newton Tea and Spice Company, a corporation, Cincinnati, Ohio, shipped from the State of Ohio to the State of Mississippi a quantity of a food product labeled "10 lbs. strictly pure pepper." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Newton Tea and Spice Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 upon which to base a prosecution.

On April 26, 1909, a criminal information was filed in the District Court of the United States for the Southern District of Ohio, charging the above shipment, and alleging that the product so shipped was misbranded, in that the label above set forth was false and misleading for the reason that the product in question contained ground olive pits or almond shells. On April 11, 1910, the cause coming on for hearing, defendant entered a plea of not guilty and the case was tried by a jury, resulting in a verdict of guilty. On September 26, 1910, the court granted defendant a new trial, and two days later, said defendant withdrew its plea of not guilty, and substituted therefor a plea of nolo contendere, whereupon the court, being fully informed in the premises, imposed a fine of \$10 and costs.

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

W. L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 27, 1910.*

