

Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1564.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PEPPER.

On July 28, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of two barrels of alleged pepper remaining unsold and in the original unbroken packages in the possession of the American Grocery Co., Jersey City, N. J., alleging that the product had been transported by means of delivery wagons on or about June 28, 1911, by B. Fischer & Co., a partnership, New York, N. Y., from the State of New York into the State of New Jersey and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled "Pure Pepper Guaranty 6657."

Adulteration and misbranding were alleged in the libel for the reason that the product consisted in whole or in part of long pepper, the fruit of *Piper longum*, which is inferior in flavor to true pepper, true pepper being the immature fruit of *Piper nigrum*, whereby the quality and strength of said product was injuriously affected.

On October 31, 1911, a decree of condemnation and forfeiture was entered. On November 13, 1911, the decree was opened on application of B. Fischer & Co., New York, N. Y., claimants, upon payment of costs and filing of answer within ten days. On November 20, 1911, claimant's answer was filed and notice of trial for the January term was served December 16, 1911. On February 3, 1912, claimants withdrew their answer and consented to a decree. On February 13, 1912, decree was entered and it was ordered that upon payment of cost by the claimant and the execution of a good and sufficient bond in conformity with section 10 of the act the goods should be released to the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., June 5, 1912.