

4866. Adulteration and misbranding of pepper. U. S. v. 43 Boxes of Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6631. I. S. No. 3149-k. S. No. E-294.)

On June 26, 1915, the United States attorney for the Eastern District of 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 43 boxes, each containing 10 pounds of pepper, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped, on or about March 9, 1915, by Parrish Bros., Inc., Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "No. 377, guaranteed by Parrish Bros., Inc., Baltimore, Md. The spice contained in this package is guaranteed to be absolutely pure. Packed for the Southern Distributing Co., Wholesale Grocers, Norfolk, Va., Spice Pepper."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, pepper shells, had been mixed and packed with the pepper so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pepper.

Misbranding was alleged for the reason that the labels upon the boxes were false and misleading in that said labels stated and represented that the pepper was spice pepper, when, in truth and in fact, it was pepper and pepper shells. Misbranding was alleged for the further reason that the labels on the boxes stated that the contents thereof were spice pepper, when, in truth and in fact, the boxes contained an imitation of pepper, to wit, pepper mixed with pepper shells.

On June 15, 1916, 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.

CARL VROOMAN, Acting Secretary of Agriculture.