

**7680. Adulteration and misbranding of pepper. U. S. \* \* \* v. The Woolson Spice Co., a corporation. Plea of nolo contendere. Fine, \$200 and costs.** (F. & D. No. 7334. I. S. Nos. 4634-k, 11191-k, 11766-k, 11767-k, 11770-k, 11771-k, 11774-k, 14146-k, 14148-k, 14280-k, 14549-k, 14725-k, 14726-k, 14732-k, 14733-k, 14734-k, 14737-k, 14738-k.)

On September 9, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Woolson Spice Co., a corporation, Toledo, Ohio, alleging shipment on or about March 10, 1915, February 19, 1915, February 27, 1915, March 29, 1915, March 15, 1915, February 11, 1915, April 12, 1915, February 23, 1915, March 2, 1915, March 14, 1915, March 3, 1915, April 1, 1915, April 3, 1915, and February 25, 1915, by the said company, in violation of the Food and Drugs Act, from the State of Ohio into the States of Indiana, Wisconsin, Nebraska, Minnesota, Tennessee, Illinois, and Iowa, of quantities of articles, labeled in part "Atlas Pepper," "Paradise Farm Brand Pepper," "Granulated Black Pepper," "Kickbusch K Spices," "Banner Brand Pepper," "Powers Strictly Pure Pepper," "Hermitage Pepper," "Comar Brand Spices," "Golden Rod Brand Pepper," and "Acme Pepper," which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained added pepper shells.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, pepper shells, had been mixed and packed with the article so as to lower or reduce and injuriously affect its quality and strength, and was adulterated further in that a substance, to wit, pepper shells, had been substituted in part for pepper, which it purported to be.

Misbranding of the article in each shipment was alleged for the reason that the statement, "Pepper," borne on the label of the package containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of pepper, whereas, in truth and in fact, the article did not consist exclusively of pepper, but did consist of pepper and added pepper shells; said article was further misbranded in that it was labeled "Pepper" so as to deceive and mislead the purchaser into the belief that it was pure pepper containing no more shells than are normally present in pepper, whereas, in truth and in fact, it was not pure pepper containing a normal and natural proportion of pepper shells, but was a mixture of pepper and added pepper shells.

The defendant demurred to the information, and on October 22, 1920, on leave of the court, withdrew the demurrer and entered a plea of nolo contendere to the information, and the court imposed a fine of \$200 and costs.

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

**7681. Adulteration and misbranding of canned salmon. U. S. \* \* \* v. 180, 40, and 200 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. Judgment for costs of the proceedings against F. C. Barnes Co., Portland, Ore.** (F. & D. Nos. 9014, 9015, 9016. I. S. Nos. 3927-p, 3928-p. S. No. E-1035.)

On April 30, 1918, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 180 cases, each containing 48 cans, of 40 cases, each containing 48 cans, and of 200 cases, each containing 48 cans of fancy pink Alaska salmon, remain-

ing unsold in the original unbroken packages at Utica, N. Y., and at Little Falls, N. Y., alleging that the article had been shipped on or about December 1, 1917, by F. C. Barnes Co., Portland, Ore., and transported from the State of Oregon into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part, "Fancy Pink Alaska Salmon Table Brand packed for F. C. Barnes Co. of Portland, Oregon. Contents 1 lb. Fresh Salmon,  $\frac{1}{4}$  oz. Salt Sealed in can before cooking."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a decomposed animal substance, and was in fact decomposed, adulterated, filthy, unwholesome, and unfit for food by the human family, and deleterious and injurious to the health and life of any one partaking of the same.

Misbranding of the article was alleged for the reason that the statement, "Fancy Pink Alaska Salmon," on each can containing the article, [was] intended to convey and did convey and declare and say in such words that the contents of the cans consisted exclusively of fancy pink salmon which was fit for the human family, whereas the article contained in the cans was not fancy pink salmon and [was] not fit for use upon a table or otherwise as food, and that the statement, "Fancy Pink Alaska Salmon," was misleading and false and intended to and would deceive those purchasing and desiring to use the same.

On June 21, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the article be destroyed by the United States marshal, and that judgment be entered against F. C. Barnes Co., Portland, Ore., for the cost of the proceedings.

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

**7682. Misbranding of acid acetylo-salicylic. U. S. \* \* \* v. 1 Can Containing 25,000 Tablets \* \* \* Acid Acetylo-Salicylic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7448. I. S. No. 11375-1. S. No. C-523.)**

On May 18, 1916, the United States attorney for the District of Indiana, 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 1 can, containing 25,000 tablets of acid acetylo-salicylic, remaining unsold in the original unbroken packages at Martinsville, Ind., alleging that the article had been shipped by Ben. S. Levin, Los Angeles, Calif., and transported from the State of California into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained no acetylsalicylic acid and consisted essentially of milk sugar, starch, mineral matter, and 6.91 per cent acetanilid.

Misbranding of the article was alleged for the reason that the article was offered for sale and sold as acid acetylo-salicylic, whereas it was an imitation of, and contained no acid acetylo-salicylic. Further misbranding of the article was alleged for the reason that the article contained acetanilid and failed to bear a label showing the quantity of acetanilid which it contained.

On December 26, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be destroyed by the United States marshal.

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