

that it was in package form and did not bear a label containing the accurate statement of the quantity of the contents.

On July 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

SPICES

3998. Adulteration and misbranding of spices. U. S. v. William G. Dean, alias John C. Rivers (Sure-Rise Baking Powder Co.). Plea of guilty. Fine, \$2,100. (F. D. C. No. 7208. Sample Nos. 69181-E, 69182-E, 69185-E, 69187-E, 69659-E, 69660-E.)

On July 3, 1942, the United States attorney for the Southern District of New York filed an information against William G. Dean, alias John C. Rivers, trading as Sure-Rise Baking Powder Co. at New York, N. Y., alleging shipment within the period from on or about January 3, 1941, to on or about March 10, 1941, from the State of New York into the State of New Jersey of quantities of paprika, cayenne pepper, and white pepper that were adulterated and misbranded. The articles were labeled in part: "Crown Brand * * * Sweet Paprika [or "White Pepper"] Spice Products Co., — New York"; "Pure Imported Paprika"; or "Pure Cayenne Pepper * * * Daves Grocery."

The paprika and cayenne pepper were alleged to be adulterated (1) in that substances containing cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper; (2) in that they were inferior to paprika and cayenne pepper and such inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or had been mixed or packed therewith so as to increase their bulk and weight, reduce their quality and strength, and make them appear better and of greater value than they were. The white pepper was alleged to be adulterated (1) in that white pepper containing added starch had been substituted wholly or in part for white pepper; and (2) in that starch had been added thereto, or mixed or packed therewith, so as to increase its bulk and weight and reduce its quality and strength.

The articles were alleged to be misbranded (1) in that the statements in the labeling, "Sweet Paprika," "Pure Cayenne Pepper," and "White Pepper" were false and misleading; and (2) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient. The paprika and cayenne pepper were alleged to be misbranded further in that they contained artificial coloring and did not bear labeling stating that fact and (with the exception of one lot of paprika) did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. Two lots of paprika were alleged to be misbranded further in that their packages did not bear labels containing accurate statements of the quantity of the contents. One lot of paprika was alleged to be misbranded further in that the statement (Can label) "1 Lb. Net Weight" was false and misleading since the cans contained less than that amount.

On July 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$350 on each of the first 6 counts of the information and suspended imposition of sentence on the remaining 6 counts.

3999. Adulteration of chili pods. U. S. v. 95 Bags of Chili Pods. Consent decree of condemnation. Product ordered released under bond for separation of unfit portion and its disposal as chicken feed. (F. D. C. No. 6998. Sample No. 92235-E.)

Examination of this product showed that it was moldy.

On March 6, 1942, the United States attorney for the Southern District of California filed a libel against 95 bags of chili pods at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 4, 1942, by C. L. Prats from Mesilla Park, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 30, 1942, C. L. Prats, claimant, trading as C. L. Prats Chili Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be disposed of as chicken feed.