

**DISPOSITION:** January 7, 1954. The defendant having entered a plea of guilty, the court fined it \$500.

**20788. Adulteration and misbranding of chili peppers. U. S. v. 163 Bags, etc.**  
(F. D. C. Nos. 34991, 34992. Sample Nos. 39767-L, 39768-L.)

**LIBEL FILED:** April 13, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about February 9, 1953, from Mexico.

**PRODUCT:** 287 75-pound bags of unground chili peppers and 12 75-pound bags of ground chili peppers at Los Angeles and Santa Ana, Calif.

**RESULTS OF INVESTIGATION:** The article was a product of Africa. It previously having been offered for entry into the United States and found to be adulterated, it was exported to Mexico where it was repacked and reshipped to the United States.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested chili peppers, and of a decomposed substance by reason of the presence of moldy chili peppers.

Misbranding, Section 403 (a), the label statement "Product of Mexico" was false and misleading as applied to the article, which was not produced in Mexico.

**DISPOSITION:** February 5, 1954. Herbert Hischemoeller, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**20789. Adulteration of chili pepper. U. S. v. 25 Drums \* \* \*. (F. D. C. No. 34997. Sample No. 40344-L.)**

**LIBEL FILED:** April 15, 1953, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 6, 1953, by McClintock Stern & Co., from Los Angeles, Calif.

**PRODUCT:** 25 220-pound drums of chili pepper at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** October 23, 1953. Default decree of condemnation and destruction.

**20790. Adulteration of chili peppers. U. S. v. 51 Bags \* \* \*. (F. D. C. No. 34965. Sample No. 23302-L.)**

**LIBEL FILED:** April 24, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about January 21, 1953, from Lagos, Nigeria.

**PRODUCT:** 51 90-pound bags of chilies at New York, N. Y., in the possession of William M. Allison & Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 29, 1953. William M. Allison & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and

removal of the unfit portion under the supervision of the Department of Health, Education and Welfare. 322 pounds of the product were found unfit and were denatured.

**20791. Adulteration and misbranding of black pepper. U. S. v. 10 Cartons \* \* \***  
(and 10 other seizure actions). (F. D. C. Nos. 27311, 27312, 27336 to 27343, incl., 27406. Sample Nos. 5772-K to 5775-K, incl., 5893-K to 5896-K, incl., 10881-K, 10882-K, 47121-K, 47122-K.)

**LIBELS FILED:** Between June 8 and 29, 1949, District of New Jersey, District of Massachusetts, District of Rhode Island, and Western District of Pennsylvania.

**ALLEGED SHIPMENT:** Between the approximate dates of March 21 and May 18, 1949, by the Food Trading Corp. of America, from Brooklyn, N. Y.

**PRODUCT:** 25 6-pound cartons, 49 cases, each containing 12 1-pound cans, 33 cartons, each containing 12 1-pound canisters, 10 10-pound boxes, 10 6-pound boxes, and 34 1-pound cans of black pepper at Newark and Paterson, N. J., Boston, Mass., Providence, R. I., and Pittsburgh, Pa.

**LABEL, IN PART:** (Can, carton, box, and canister) "Maison Royal Brand Pure Black Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), pepper with salt added, in certain portions of the article, and a mixture of black pepper, buckwheat hulls, capsicum, salt, and unidentified plant material, in other portions of the article, had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

**DISPOSITION:** May 18, 1954. The Food Trading Corp. of America having appeared as claimant and the libel actions having been consolidated and removed for trial to the Eastern District of New York, but the claimant subsequently having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**20792. Adulteration and misbranding of lemon oil and orange oil. U. S. v. Industrial Frutal Works, Inc., and Samuel Schwartz. Pleas of guilty. Imposition of sentence against corporation suspended. Fine of \$400 against individual.** (F. D. C. No. 32798. Sample Nos. 24028-L, 24029-L.)

**INFORMATION FILED:** October 9, 1953, Southern District of New York, against Industrial Frutal Works, Inc., New York, N. Y., and Samuel Schwartz, president and secretary of the corporation.

**ALLEGED SHIPMENT:** Between the approximate dates of December 16, 1950, and April 10, 1951, from the State of New York into the State of New Jersey.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), mineral oil had been substituted in whole or in part for oil of lemon U. S. P. and oil of orange U. S. P.

Misbranding, Section 403 (a), the statements "Oil of Lemon, Calif., U. S. P." and "Oil of Orange, Calif., U. S. P." borne on the labels of the articles were false and misleading since such statements represented that the articles consisted entirely of oil of lemon and oil of orange, respectively, whereas the articles did not consist entirely of oil of lemon and oil of orange.

**DISPOSITION:** March 3, 1954. The defendants having entered pleas of guilty, the court suspended the imposition of sentence against the corporation and fined the individual \$400.