In the opinion of the Department of Agriculture, maple sirup is sirup made by the evaporation of maple sap or by the solution of maple concrete, and contains not more than thirty-two (32) per cent of water and not less than forty-five hundredths (0.45) per cent of maple sirup ash.

The analysis disclosed that the product contained considerable quantities of cane-sugar sirup. It was apparent that the sirup was not a maple sirup as stated on the principal label, but was a mixture of maple sirup and cane-sugar sirup, and therefore adulterated and misbranded within the meaning of sections 7 and 8 of the act.

The Secretary of Agriculture having, on September 3, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the district of Oregon, who filed an information against the said Pacific Coast Syrup Company, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. MCCABE,
Board of Food and Drug Inspection.

Approved:
JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*

(N. J. 75.)

ADULTERATED AND MISBRANDED PEPPER.

(AS TO PRESENCE OF NUTSHELLS, FRUIT PITS, ETC.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 3d day of February, 1909, in the district court of the United States for the eastern district of Washington, in a prosecution by the United States against the Powell-Sanders Company, a corporation doing business at Spokane, Wash., for violation of section 2 of the aforesaid act in the shipment and delivery for shipment from Washington to Idaho of a product labeled "Le Roi Black Pepper, Powell-Sanders Company, Spokane, Washington," which was adulterated and misbranded in that it contained cracker crumbs, ground nutshells, and fruit pits, and was not black pepper, but a mixture of black pepper and said substances, the said defendant having entered a plea of

guilty, the court imposed upon it a fine of $100, and delivered the following opinion in connection therewith:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE EASTERN DISTRICT OF WASHINGTON, EASTERN DIVISION.

UNITED STATES OF AMERICA, *Plaintiff*,
vs.
POWELL-SANDERS COMPANY, A CORPORATION, *Defendant*. } No. 717.

A. G. AVERY, *U. S. Atty.*

OPINION.

WHITSON, *District Judge:*

This is an information filed against the defendant for violation of the act of June 30, 1906 (34 Stat. L., 768; Supp. Fed. Stat. Ann., 1907, p. 78), generally known as the Pure Food Act. A plea of guilty has been entered, and the only question for consideration is the punishment to be inflicted. Upon the statements made and the data furnished the necessity for the statute is quite apparent. It seems that the person immediately responsible for the adulterated article has been discharged, and it has been stated here that the defendant had no knowledge that the law was being violated. The court accepts this as true, but it is the duty of a manufacturer engaged in supplying food products to know that its managers are not evading the statute, and the presence of adulterants in the establishment furnished the opportunity for adulteration. The culpability arose through inattention to details. Again, it appears to have long been the custom of the trade to engage in this method of swelling profits, and the practice has been carried on for so many years and to such an extent that no doubt dealers have come to regard the matter in the light of legitimate business competition. While these considerations on a plea of guilty palliate, they can not excuse. The law is in the interest of public health and must be enforced. In view of the circumstances a fine of $100 and costs is considered a sufficient reminder of the necessity for a strict compliance with the terms of the statute, and this will be the judgment of the court.

On the 6th day of February, 1909, the following judgment was entered:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WASHINGTON, EASTERN DIVISION.

UNITED STATES OF AMERICA, *Plaintiff*,
vs.
POWELL-SANDERS COMPANY, A CORPORATION, *Defendant*. } No. 717.

JUDGMENT.

Now, on this 6th day of February, A. D. 1909, upon motion of the United States district attorney for the eastern district of Washington for judgment against the defendant in the above-entitled cause, the defendant having heretofore, to wit, on the 1st day of February, 1909, entered its plea of guilty to the information, the court does thereupon adjudge the defendant guilty of the offence charged, and upon consideration of the premises, the court being fully advised, orders that defendant pay a fine of one hundred dollars ($100.00) and the costs of the prosecution; it is, therefore,

Considered, ordered, and adjudged that the plaintiff have and recover of and from the defendant the said sum of one hundred dollars ($100.00) as a fine, and the costs to be taxed, and that execution issue therefor.

Dated this 6th day of February, A. D. 1909.

EDWARD WHITSON, *District Judge.*

The facts in the case were as follows:

On June 29, 1907, an inspector of the Department of Agriculture purchased, in Coeur D'Alene, Idaho, samples of a product labeled "Le Roi Black Pepper; Powell-Sanders Company, Spokane, Washington." These samples formed part of a shipment made by the Powell-Sanders Company, Spokane, Wash., to the Inland Cash Grocery, of Coeur D'Alene, Idaho, on or about June 7, 1907. A sample was subjected to analyses in the Bureau of Chemistry, United States Department of Agriculture, and found to be adulterated with cracker crumbs, ground nutshells, and fruit pits. A trace of red pepper tissue was also found in addition to the black pepper tissue.

In the opinion of the Department of Agriculture, black pepper is the dried immature berry of *Piper nigrum L.*, and contains not less than six (6) per cent of nonvolatile ether extract, not less than twenty-five (25) per cent of starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen.

It was apparent that the article was both adulterated and misbranded, within the meaning of sections 7 and 8 of the act; adulterated because cracker crumbs, ground nutshells, and fruit pits had been mixed with the pepper, so as to reduce, lower, and injuriously affect its quality and strength, and because ground cracker crumbs, nutshells, and fruit pits had been substituted wholly or in part for said article, and it was misbranded in that it was labeled "black pepper" when, as a matter of fact, the analysis showed it consisted of black pepper and a mixture of other substances. The Secretary of Agriculture having, on July 8, 1908, afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the eastern district of Washington, who filed an information against the said Powell-Sanders Company, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. MCCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*