

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 158, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEPPERS.

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 of the judgment of the court in the case of the United States v. Harry W. Dean, a prosecution by the United States against the said Harry W. Dean in the Circuit Court of the United States for the Southern District of New York, for violations of section 2 of the aforesaid act in the shipment and delivery for shipment from New York to the District of Columbia of an article of food labeled and branded "Black Pepper" which was adulterated and misbranded in this, that it contained approximately 25% of leguminous seed substituted in part for pepper thereby reducing and lowering its quality and strength and was not pure black pepper as the label represented it to be, but was a mixture of pepper and leguminous seed, and in the shipment from New York to the State of Washington of two articles of food labeled and branded, respectively, "Pure White Pepper" and "Pure Black Pepper" which were adulterated and misbranded in this, that they contained approximately 25% of leguminous starch substituted in part for pepper thereby reducing and lowering their quality and strength, and were not pure white pepper and pure black pepper as their labels represented them to be, but were mixtures of said peppers, respectively, and leguminous starch.

The said Harry W. Dean having been arraigned upon an information filed by the United States Attorney alleging the aforesaid offenses and having entered his plea of guilty, on October 4, 1909 the court suspended sentence upon him.

The facts in the cases were as follows:

On August 8, 1907, an inspector of the Department of Agriculture purchased from Hyland Manufacturing Company, Spokane, Wash-

ington, samples (I. S. 3396 and 3397) of pepper contained in packages labeled, respectively, "Pure White Pepper and "Pure Black Pepper." These samples were part of a shipment of peppers made on or about July 23, 1907, to said Hyland Manufacturing Company by W. G. Dean & Son, New York, N. Y. The samples were duly examined in the Bureau of Chemistry of the United States Department of Agriculture and found to contain approximately 25% of leguminous starch, from which it appeared that they were adulterated and misbranded as hereinbefore stated. On December 14, 1907, an inspector of said Department purchased from Manhattan Coffee Mills, Washington, D. C., a sample (I. S. 11260) of pepper contained in a package labeled "Black Pepper." This sample was part of a shipment of pepper made on or about August 21, 1907 to said Manhattan Coffee Mills by W. G. Dean & Son, New York, N. Y. The sample was duly analyzed in the aforesaid Bureau and found to contain approximately 25% of leguminous seed, from which it appeared that it was adulterated and misbranded as hereinbefore stated.

The Secretary of Agriculture gave notice to the Hyland Manufacturing Company and Manhattan Coffee Mills, as well also as to W. G. Dean & Son, and gave them an opportunity to be heard. W. G. Dean & Son being the party responsible for the adulteration and misbranding of the peppers and failing to show any fault or error in the aforesaid examination and it appearing that provisions of the aforesaid act had been violated by W. G. Dean & Son, on June 18, 1908 the Secretary of Agriculture reported to the Attorney General the facts and evidence in respect to the shipment to Manhattan Coffee Mills (F. & D. No. 118) and on January 13 and 21, 1909, the facts and evidence in respect to the shipments to Hyland Manufacturing Company (F. & D. Nos. 316 and 342), which said facts and evidence were duly referred to the United States Attorney for the Southern District of New York who, on March 9, 1909, filed an information against the aforesaid Harry W. Dean with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

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