

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 159, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEPPER.

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.* Parrish Brothers, a corporation of Baltimore, Maryland, a prosecution in the District Court of the United States for the District of Maryland, against said Parrish Brothers under Section 2 of the aforesaid act, for the shipment and delivery for shipment from Maryland to Virginia of an article of food labeled and branded "The Best in Spices. Levering's Brand Pure Spices, Pepper," which was adulterated and misbranded within the meaning of Sections 7 and 8 of the Act, in that pepper shells and extraneous mineral matter had been substituted in part for pepper and mixed with pepper so as to reduce, lower, and injuriously affect its quality and strength, and was not pure pepper as represented by the label, but a mixture of pepper, pepper shells and dirt, which said article of food had been manufactured and prepared by said Parrish Brothers and sold by it to Levering Coffee Co. of Baltimore, Md., under a guaranty provided for by Section 9 of the Act, and shipped as aforesaid by Levering Coffee Co. The United States Attorney for the aforesaid district having, on July 6, 1909, filed an information in said court against Parrish Brothers for the aforesaid offense, and Parrish Brothers having, on said date entered its plea of guilty, the court imposed upon it a fine of \$50.

The facts in the case were as follows:

On March 19, 1908, an inspector of the Department of Agriculture purchased from M. J. Gately, Fredericksburg, Va., a sample of an article of food (I. S. 1760-a) labeled and branded "The Best in Spices. Levering's Brand Pure Spices, Pepper." This sample was part of a shipment by Levering Coffee Co. from Baltimore, Md., to

the said Gately, on or about January 14, 1908, and was included in a bill of pepper sold on or about January 14, 1908, by Parrish Bros. to the said Levering Coffee Co. under a guaranty. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture, and it was found that it contained an excess of pepper shells, and extraneous mineral matter (dirt).

It appearing from this analysis that the article was adulterated and misbranded within the meaning of Sections 7 and 8 of the Act, in the manner hereinbefore stated, the Secretary of Agriculture gave notice to M. J. Gately, the dealer from whom the sample was purchased, as well also, as to Parrish Bros. and Levering Coffee Co. Parrish Bros. being the party responsible for the adulteration and misbranding of the pepper and for its shipment in interstate commerce, and it appearing that provisions of the Act had been violated by the said Parrish Bros., on June 25, 1909, the Secretary of Agriculture reported the facts and evidence (F. & D. No. 626) to the Attorney General, by whom they were referred to the United States Attorney for the District of Maryland, who filed an information against the said Parrish Bros. with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.

