

3582. Adulteration and misbranding of black pepper. U. S. v. Roth-Homeyer Coffee Co.
Plea of guilty. Fine, \$1 and costs. (F. & D. No. 5631. I. S. No. 3835-e.)

On August 17, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roth-Homeyer Coffee Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 24, 1912, from the State of Missouri into the State of Kentucky, of a quantity of black pepper which was adulterated and misbranded. The product was labeled: (On wrapper around can) "Purity Steer Brand Ground Mark Black Pepper. Guaranteed by R. H. Co. Co., etc., S. N. 3835. Roth-Homeyer Coffee Co., St. Louis, U. S. A." (On front of can) "10 pounds net weight Steer Brand Ground Trade Mark Reg. No. 69190 U. S. Pat. Office. Black Pepper. Guaranteed, etc., S. N. 3835. Roth-Homeyer Coffee Co., St. Louis, U. S. A." (Label on back same as front.) (On sides) "Roth-Homeyer Coffee Co., Importers and Jobbers of Coffees, teas and spices. Coffee roasters and spice grinders. St. Louis, U. S. A."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

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| Nonvolatile ether extract (per cent)..... | 7. 61 |
| Total ash (per cent)..... | 8. 81 |
| Ash insoluble in HCl (per cent)..... | 2. 21 |
| Crude fiber (per cent)..... | 18. 64 |
| Microscopical examination showed an excess of shells. | |

Adulteration of the product was alleged in the information for the reason that a substance inferior to black pepper, namely, pepper shells, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a substance, namely, pepper shells, had been substituted in part for the article. Misbranding was alleged for the reason that the statement "black pepper," borne on the label and package in which the article was shipped and delivered for shipment, was false and misleading because, as a matter of fact, the article did not consist wholly of black pepper as represented by said statement, but was an article composed of a mixture of black pepper and pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was an article composed entirely of black pepper, whereas, in fact and in truth, it was not composed entirely of black pepper, but contained in addition to black pepper a quantity of pepper shells.

On October 6, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$1 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1915.*