

**4208. Adulteration and misbranding of pepper. U. S. v. 5 Barrels \* \* \* of \* \* \* Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6472. I. S. No. 14429-k. S. No. C-198.)**

On April 26, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 barrels, more or less, of a product purporting to be ground black pepper, remaining unsold in the original unbroken packages at Indianapolis, Ind., alleging that the product had been shipped by the Woolson Spice Co., Toledo, Ohio, and transported from the State of Ohio into the State of Indiana, the shipment having been received on or about March 1, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was invoiced as "Ground Black Pepper," and labeled, in part, "Pepper."

It was alleged in the libel that pepper shells had been mixed and packed with ground black pepper so as to reduce, lower, and injuriously affect the quality and strength of said ground black pepper, and, further, that pepper shells had been substituted in part for ground black pepper, and that the aforesaid product in each of said barrels was adulterated, contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the aforesaid label "Pepper" and the aforesaid statement in the invoice, "Ground Black Pepper," regarding the product in said barrels, were false and misleading in that said product was not pepper or ground black pepper, but was a mixture of pepper or ground black pepper with pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as and under the name of, pepper and ground black pepper, whereas said product was a mixture of pepper or ground black pepper with pepper shells. It was further alleged that the product in said barrels was labeled and branded so as to deceive and mislead the purchaser thereof into the belief that said product was pepper or ground black pepper, whereas, in fact, said product was a mixture of pepper shells with ground black pepper. It was further alleged that the product contained in each of the barrels was misbranded, contrary to the laws of Congress in that behalf made and provided.

On June 7, 1915, the said Woolson Spice Co., claimant, having admitted the allegations in the libel, and the case having come on to be heard, on the pleadings, evidence, and decree *pro confesso* theretofore entered, judgment of condemnation was entered, and the said claimant company having paid the costs of the proceedings and tendered its bond in the sum of \$1,000, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*