

4810. Adulteration and misbranding of pepper. U. S. v. Wixon Spice Co., a corporation. Plea of guilty. Judgment against the defendant company for costs. (F. & D. No. 4401. I. S. No. 15441-d.) .

On July 31, 1914, the United States attorney for the Northern District of Illinois, 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 Wixon Spice Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on September 19, 1914, from the State of Illinois into the State of Ohio, of a quantity of ground black pepper which was adulterated and misbranded. The article was labeled "Ground Black Pepper."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 18.81 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that when it was so shipped as aforesaid a substance, to wit, pepper shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect the quality and strength thereof and had been substituted wholly for genuine ground black pepper. Adulteration was alleged for the further reason that a substance, to wit, pepper shells, had been substituted in part for genuine ground black pepper.

Misbranding was alleged for the reason that each of the boxes containing the article bore a label in words as follows, to wit, "Ground Black Pepper," which said statement appearing on the labels was false and misleading in that said statement represented to the purchaser that the article of food was genuine ground black pepper; and for the further reason that said statement deceived and misled the purchaser in that said statement represented to the purchaser that the article was genuine ground black pepper, whereas, in truth and in fact, each of the boxes contained a quantity of ground black pepper, together with an excessive amount of pepper shells.

On April 27, 1916, the defendant company entered a plea of guilty to the information, and the court entered judgment against it for the costs of the proceeding.

CARL VROOMAN,

Acting Secretary of Agriculture.