

6347. Adulteration and misbranding of pepper. U. S. * * * v. McCormick & Co., a corporation. Plea of nolo contendere. Fine, \$750 and costs. (F. & D. No. 8133. I. S. Nos. 495-1, 3226-1, 4805-1, 12101-m, 12102-m.)

On July 11, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McCormick & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 29, 1916, April 18, 1916, April 15, 1916, and June 20, 1916 (2 shipments), from the State of Maryland into the States of Delaware, New York, Georgia, and Kentucky, respectively, of quantities of pepper which was adulterated and misbranded. The article was labeled in part, "Banquet Brand Ground Black Pepper," or "Pure Ground Black Pepper," or "Pure Ground Singapore Black Pepper."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added pepper shells.

Adulteration of the article in each shipment was alleged in substance in the information for the reason that a substance, to wit, pepper shells, had been mixed and packed therewith, so as to lower or reduce and injuriously affect its quality, and had been substituted in part for pepper, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Pepper," borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted exclusively of pepper; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of pepper, whereas, in truth and in fact, it did not, but consisted of a mixture of pepper and added pepper shells.

On August 15, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$750 and costs.

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