

7680. Adulteration and misbranding of pepper. U. S. * * * v. The Woolson Spice Co., a corporation. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 7334. I. S. Nos. 4634-k, 11191-k, 11766-k, 11767-k, 11770-k, 11771-k, 11774-k, 14146-k, 14148-k, 14280-k, 14549-k, 14725-k, 14726-k, 14732-k, 14733-k, 14734-k, 14737-k, 14738-k.)

On September 9, 1916, the United States attorney for the Northern District of Ohio, 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 Woolson Spice Co., a corporation, Toledo, Ohio, alleging shipment on or about March 10, 1915, February 19, 1915, February 27, 1915, March 29, 1915, March 15, 1915, February 11, 1915, April 12, 1915, February 23, 1915, March 2, 1915, March 14, 1915, March 3, 1915, April 1, 1915, April 3, 1915, and February 25, 1915, by the said company, in violation of the Food and Drugs Act, from the State of Ohio into the States of Indiana, Wisconsin, Nebraska, Minnesota, Tennessee, Illinois, and Iowa, of quantities of articles, labeled in part "Atlas Pepper," "Paradise Farm Brand Pepper," "Granulated Black Pepper," "Kickbusch K Spices," "Banner Brand Pepper," "Powers Strictly Pure Pepper," "Hermitage Pepper," "Comar Brand Spices," "Golden Rod Brand Pepper," and "Acme Pepper," which were adulterated and misbranded.

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

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

Misbranding of the article in each shipment was alleged for the reason that the statement, "Pepper," borne on the label of the package 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, whereas, in truth and in fact, the article did not consist exclusively of pepper, but did consist of pepper and added pepper shells; said article was further misbranded in that it was labeled "Pepper" so as to deceive and mislead the purchaser into the belief that it was pure pepper containing no more shells than are normally present in pepper, whereas, in truth and in fact, it was not pure pepper containing a normal and natural proportion of pepper shells, but was a mixture of pepper and added pepper shells.

The defendant demurred to the information, and on October 22, 1920, on leave of the court, withdrew the demurrer and entered a plea of nolo contendere to the information, and the court imposed a fine of \$200 and costs.

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

7681. Adulteration and misbranding of canned salmon. U. S. * * * v. 180, 40, and 200 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. Judgment for costs of the proceedings against F. C. Barnes Co., Portland, Ore. (F. & D. Nos. 9014, 9015, 9016. I. S. Nos. 3927-p, 3928-p. S. No. E-1035.)

On April 30, 1918, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 180 cases, each containing 48 cans, of 40 cases, each containing 48 cans, and of 200 cases, each containing 48 cans of fancy pink Alaska salmon, remain-