

On September 17, 1928, the Seymour Packing Co., Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, conditioned in part that the bad portion be separated from the good portion and the former destroyed or denatured under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15950. Adulteration and misbranding of pepper. U. S. v. 2 Barrels of Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22127. I. S. Nos. 20862-x, 20863-x. S. No. 175.)

On November 2, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 barrels of pepper at Newark, N. J., alleging that the article had been shipped by W. G. Dean & Sons, New York, N. Y., one barrel on or about June 18, 1927, and one barrel on or about August 11, 1927, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (One barrel) "Butchers Pepper M. Rinefeld & Sons * * * For W. C. Dean & Sons;" (one barrel) "Pure White Pepper."

It was alleged in the libel that the article was adulterated in that substances had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Pepper," borne on the label, was false and misleading and deceived and misled the purchasers, and in that it was offered for sale under the distinctive name of another article.

On July 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*