

**4236. Adulteration and misbranding of pepper. U. S. v. 1 Barrel of \* \* \* Pepper. Consent decree of condemnation. Product ordered released on bond. (F. & D. No. 6529. I. S. No. 14442-k. S. No. C-224.)**

On May 12, 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 1 barrel of a product purporting to be pure pepper, remaining unsold in the original unbroken package at Indianapolis, Ind., alleging that the product had been shipped and transported from the State of Illinois into the State of Indiana, the shipment having been received, on or about February 2, 1915, from the Thomson & Taylor Spice Co., Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the barrel containing the product was marked and branded as follows, (On head of barrel) "Cub Pure Pepper, \* \* \*" (On side of barrel) "Cub Pure Pepper," whereas pepper shells had been mixed and packed with pure pepper so as to reduce, lower, and injuriously affect the quality and strength of said pure pepper, and that pepper shells had been substituted in part for pure pepper, so that the aforesaid product in said barrel was adulterated contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the aforesaid marks and brands, "Pure Pepper," regarding the product in said barrel, were false and misleading in that said product was not pure pepper, but was a mixture of pure pepper and pepper shells. It was further alleged that the product was an imitation of, and was offered for sale as and under the name of, pure pepper, whereas said product was a mixture of pure pepper and pepper shells. It was further alleged that said product was marked and branded so as to deceive and mislead the purchaser thereof into the belief that it was pure pepper, whereas, in fact, said product was a mixture of pepper shells and pure pepper. It was further alleged that the product was misbranded contrary to the laws of Congress in that behalf made and provided.

On June 8, 1915, the said Thomson & Taylor Spice Co., a corporation, Chicago, Ill., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation was entered, and the said claimant company having paid the costs of the proceeding and tendered its bond in the sum of \$500, in conformity with section 10 of the act, and the court having examined and approved said bond, it was ordered that the product be delivered to said claimant company, and that said company be granted leave to reship said merchandise to its place of business in Chicago, Ill.

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