On February 9, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10905. Adulteration of ground chili pepper. U. S. v. 1 Barrel of Ground Chili Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15369. I. S. No. 902–t. S. No. C–3209.)

On September 9, 1921, the United States attorney for the Southern District of Ohio, 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 ground chili pepper, remaining unsold at Cincinnati, Ohio, in the possession of the Frank Tea & Spice Co., returned from Indianapolis, Ind., August 26, 1921, alleging that the article had been shipped from Indianapolis, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On January 28, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10906. Adulteration and misbranding of lemon pie filling. U. S. v. Burton D. Smith and John B. Hecox (Consumers Supply Co.). Pleas of guilty. Fine, $175. (F. & D. No. 15560. I. S. Nos. 7–t, 8–t, 9–t, 3068–t, 11528–t, 11531–t.)

On January 22, 1922, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burton D. Smith and John B. Hecox, copartners, trading as Consumers Supply Co., Portland, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of Michigan, on or about April 3 and June 7, 1920, respectively, into the State of Indiana, on or about July 29, 1920, into the State of Ohio, and on or about October 9 and December 16, 1920, respectively, into the State of Illinois, of quantities of lemon pie filling which was adulterated and misbranded. The article was labeled in part: "Consumers Lemon Pie Filling * * * Manufactured, Sold and Guaranteed by Consumers Supply Company, Portland, Michigan, U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a powdered mixture of cornstarch, sugar, and citric and tartaric acids, colored with tartrazine and flavored with lemon oil. A portion of the said article was found to be short weight.

Adulteration of the article was alleged in the information for the reason that a mixture consisting of cornstarch, sugar, and citric acid, flavored with lemon oil, artificially colored, and which contained no egg or lemon juice, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for lemon pie filling which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to lemon pie filling, to wit, a mixture composed in large part of cornstarch, sugar, and citric acid, flavored with lemon oil, and which contained no egg or lemon juice, prepared in imitation of lemon pie filling, and was colored with a certain coal-tar dye, to wit, tartrazine, so as to simulate the appearance of lemon pie filling, and in a manner whereby its inferiority to lemon pie filling was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Lemon Pie Filling Contains the same ingredients used * * * in making lemon pies * * *," "* * * not necessary to use eggs * * * all necessary ingredients have been added * * *," "Guaranteed to conform to National * * * Food Laws," borne on the labels attached to the cans containing the article, and the statement, to wit, "Net Contents 8 Ounces," borne on the labels attached to a portion of said cans, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was lemon pie filling which contained the same ingredients used in making lemon pies, that it contained all the necessary ingredients, including egg, for making lemon pies, that it conformed to the requirements of the Food and Drugs Act of June 30,