

5658. Adulteration and misbranding of black pepper. U. S. * * * v. 1 Barrel of * * * Ground Black Pepper. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7556. I. S. No. 495-1. S. No. E-657.)

On June 24, 1916, the United States attorney for the District of Delaware, 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 so-called ground black pepper, remaining unsold in the original unbroken package at Wilmington, Del., alleging that the article had been shipped on or about June 1, 1916, by McCormick & Co., of Baltimore, Md., and transported from the State of Maryland into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Banquet Brand Ground Black Pepper. McCormick & Co., Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, added pepper shells, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged in substance for the reason that the statement on the barrel that it contained ground black pepper was false and misleading in that the barrel contained ground black pepper mixed and packed with added pepper shells, and for the further reason that it was labeled and branded so as to deceive and mislead the purchaser in that the contents were stated to be ground black pepper, whereas the contents were ground black pepper mixed and packed with added pepper shells.

On July 7, 1917, the said McCormick & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

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