

On May 8, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15731. Adulteration of white pepper, cloves, and black pepper, adulteration and misbranding of black pepper, and misbranding of nutmeg and red pepper. U. S. v. 5 Cases of White Pepper, et al. Products ordered released under bond. (F. & D. Nos. 22472, 22490. I. S. Nos. 15922-x, 15923-x, 23152-x, 23158-x, 23165-x to 23170-x, incl. S. Nos. 590, 606.)**

On February 24 and February 27, 1928, respectively, the United States attorney for the Northern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 10 six-pound cartons, 16 dozen one-pound cans, and 233 cases, each containing 2 dozen 1½-ounce packages of black pepper, 6 six-pound boxes and 5 cases of white pepper, 63 cases of nutmeg, 32 cases of red pepper, and 27 cases of cloves, remaining in the original packages at Tulsa, Okla., alleging that the articles had been shipped by the Biston Coffee Co., St. Louis, Mo., between the dates of September 22, 1927, and January 10, 1928, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration with respect to the white pepper, cloves and a portion of the black pepper, and misbranding with respect to the nutmeg and red pepper and a portion of the black pepper, in violation of the food and drugs act as amended. The articles were labeled, in part, variously: "Polar Bear, Highest Quality White Pepper (or Red Pepper or Cloves or Ground Nutmeg)" Net Weight 1½ Oz.;" "6 Lb. Net Polar Bear Brand Ground Black Pepper;" "12 1 Lb. Cans Polar Bear Black Pepper;" "6 Lbs. Net Polar Bear Brand White Pepper;" "Polar Bear Black Pepper Net Weight 1 Lb.;" "Polar Bear Highest Quality Nutmeg Net Weight 1½ Ozs.;" "Polar Bear Highest Quality Black Pepper. Net Weight 1½ Ozs."

It was alleged in the libels that the articles were in violation of the food and drugs act, in that a portion of the black pepper contained corn starch, and a portion thereof contained ground rice and cayenne pepper; a portion of the white pepper contained corn starch and the remainder thereof contained ground rice and corn starch; the cloves contained corn starch and ground foreign seed resembling celery seed; and the nutmeg, red pepper, and the portion of the black pepper labeled on the packages "1½ Ozs." were of weights materially less than those carried on the labels thereof.

On March 17, 1928, the Biston Coffee Co., St. Louis, having appeared as claimant for the property and having filed answers admitting that the white pepper, the cloves and a portion of the black pepper were adulterated, and that a portion of the black pepper, the nutmeg and red pepper were short weight, and having executed bonds in the total amount of \$700, conditioned that the products should not be sold or otherwise disposed of contrary to the Federal food and drugs act, and having paid the costs of the proceedings, it was ordered by the court that the products be delivered to the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15732. Adulteration of canned cherries. U. S. v. 464 Cases of Canned Cherries. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22217. I. S. No. 20414-x. S. No. 271.)**

On November 28, 1927, the United States attorney for the Eastern District of Virginia, 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 464 cases of canned cherries, remaining unsold at Norfolk, Va., alleging that the article had been shipped by the New York Cannery, Inc., Canandaigua, N. Y., on or about October 12, 1927, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Paragon Brand Pitted Red Cherries Distributed by Geneseo Canning Company, Geneseo, N. Y. \* \* \*"

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 9, 1928, the Irondequoit Packing Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it