

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2204.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PAPRIKA.

On October 19, 1912, 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 an information against the Frank Tea & Spice Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on January 12, 1911, from the State of Ohio into the State of Illinois, of a quantity of Hungarian paprika which was adulterated and misbranded. The product was labeled: "Goulash Brand Rosen-Paprika Chemisch reines Pflanzenprodukt anerkannt als eines der feinsten Geworze nach priv. Verfahren erseutt aus den gewahlsten Schoten. Guaranteed to comply with the National Pure Food and Drug Act Serial No. 4932" (Label in Hungarian on other side) "Imported and Packed for H. Helfet & Co., Chicago, Ill."

Examination of a sample of the product made by the Bureau of Chemistry of this Department showed that it was not Hungarian paprika, but Spanish red pepper or pimiento, and that it contained an excessive amount of ash or mineral matter. The taste of the product was not that of Hungarian paprika, but that of Spanish red pepper or pimiento. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, Spanish red pepper (otherwise known as pimiento), together with an excessive amount of mineral matter, to wit, more than 10 per cent, was mixed and packed as, for, and with the product purporting to be Hungarian paprika, so as to reduce, lower, and injuriously affect the quality and strength thereof, and further, in that said Spanish red pepper, or pimiento, was substituted wholly or in part for what the product purported to be, to wit, Hungarian paprika. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to and did convey the impression and create the belief in the mind of the purchaser that the

product was Hungarian paprika, whereas, in truth and in fact, it was not so, but was Spanish red pepper, otherwise known as pimiento, containing an excessive amount of ash, or mineral matter, to wit, more than 10 per cent. Misbranding was alleged for the further reason that the label on the product bore statements regarding it and the ingredients and substances contained therein which said statements, to wit, the words "Goulash Brand, Rosen-Paprika" and the portion of the label written in the Hungarian language, were false, misleading, and deceptive, in that said statements and label purported and represented the product to be Hungarian paprika, whereas, in truth and in fact, it was not so, but was Spanish red pepper, otherwise known as pimiento, and contained an excessive amount of ash or mineral matter, to wit, more than 10 per cent thereof.

On November 7, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25, with costs of \$15.85.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 15, 1913.*