

3921. Adulteration and misbranding of ground pepper. U. S. v. Hanley & Kinsella Coffee & Spice Co. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 5149. I. S. No. 2401-e).

On April 20, 1914, the United States attorney for the Eastern District of Missouri, 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 Hanley & Kinsella Coffee & Spice Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1912, from the State of Missouri into the State of Tennessee, of a quantity of ground pepper which was adulterated and misbranded. The product was labeled: "Purity Brand Pure Pepper, Ground. (L. G.) Distributed by J. C. Edenton Co., Jackson, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Ash (per cent).....	6.67
Ash insoluble in HCl (per cent).....	1.30
Crude fiber (per cent).....	18.36
Nonvolatile ether extract (per cent).....	7.34

Microscopic examination: Does not compare favorably with standard pepper; added pepper shells indicated.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, added pepper shells, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and, further, in that said substance, to wit, pepper shells, had been substituted wholly or in large part for pure pepper, which the article purported to be. Misbranding was alleged for the reason that the statement on the label, "Pepper," was false and misleading in that it conveyed the impression that the product was a pure pepper, whereas in fact it was a mixture of pepper and added pepper shells. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was a pure pepper, when in fact it was not a pure pepper, but was a mixture of pepper and added pepper shells.

On November 25, 1914, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *June 8, 1915.*