

**ALLEGED SHIPMENT:** Between the approximate dates of August 3 and October 29, 1946, by J. J. Brodsky & Sons, from Chicago, Ill.

**PRODUCT:** 160 dozen 1-ounce packages, 1,425 cards, and 4 cartons of black pepper at Dyersburg, Jackson, and Huntingdon, Tenn.; Atlanta and Cuthbert, Ga.; Birmingham, Ala.; New Albany and Indianapolis, Ind.; and Sikeston, Mo. Each carton contained 72 1-ounce packages, and each display card contained 24 envelopes in  $\frac{3}{4}$ -ounce and 1-ounce sizes.

**LABEL, IN PART:** "Ground Black Pepper \* \* \* Midstates Products Co. Chicago, Ill.," "Damore Brand Pure Black Pepper Packed by Damore Spice Company, Chicago 24, Ill.," "Shure Good Black Pepper Packed by Sure Foods Specialty Co. Chicago, Ill.," or "Gee! Zee Finest Black Pepper Gee Zee Food Products Co. Chicago, Ill."

**NATURE OF CHARGE:** Atlanta lot. Adulteration, Section 402 (b) (2), a mixture of pepper and starch material had been substituted for black pepper; and, Section 402 (b) (4), starch material had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Remaining lots. Adulteration, Section 402 (b) (2), substances containing, variously, cottonseed hulls, soybean hulls, wheat flour, ground wheat, ground buckwheat, buckwheat hulls, soybean meal, salt, or other plant material, had been substituted in whole or in part for black pepper.

All lots. Misbranding, Section 403 (a), the label designations "Ground Black Pepper," "Pure Black Pepper," and "Black Pepper" were false and misleading.

**DISPOSITION:** Between December 10, 1946, and June 23, 1947. Default decrees of condemnation. 726 cards of the product were ordered delivered to charitable institutions, and the remainder of the product was ordered destroyed.

**12749. Adulteration and misbranding of black pepper. U. S. v. 24 Cards \* \* \*.**  
(F. D. C. No. 22926. Sample No. 90778-H.)

**LIBEL FILED:** October 7, 1946, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about November 25, 1946, by the Suburban Sales Co., from Philadelphia, Pa.

**PRODUCT:** 24 cards, each containing 12  $\frac{3}{4}$ -ounce bags, of black pepper at Arlington, Va.

**LABEL, IN PART:** "Red Star Pure Black Pepper Packed by Red Star Packing Company, Philadelphia, Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting essentially of salt, ground buckwheat hulls, starch material, and ground pepper, had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label designation "Pure Black Pepper" was false and misleading.

**DISPOSITION:** June 26, 1947. Default decree of condemnation and destruction.

**12750. Misbranding of pepper. U. S. v. 5 Drums \* \* \*.** (F. D. C. No. 22685. Sample Nos. 57648-H, 57649-H.)

**LIBEL FILED:** March 21, 1947, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about November 4 and 13, 1946, by the Columbus Wholesale Grocery Co., from Providence, R. I., to Hartford, Conn., and returned by the consignee to Providence, R. I., on or about December 12, 1946, and January 9, 1947.

**PRODUCT:** Pepper. 3 100-pound drums and 2 200-pound drums at Providence, R. I. The product was invoiced as pepper.

**LABEL, IN PART:** (Portion) "100 Lbs. Net." The remainder of the product was unlabeled.

**NATURE OF CHARGE:** Misbranding, Section 403 (b), the article was offered for sale under the name of another food; Section 403 (c), it was an imitation of another food, pepper, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient. The product was an

artificially flavored mixture of salt, bran, and other ingredients, containing little, if any, pepper.

DISPOSITION: May 27, 1947. Default decree of condemnation and destruction.

**12751. Adulteration of dried chili peppers. U. S. v. 31,200 Pounds \* \* \*.**  
(F. D. C. No. 22392. Sample No. 40039-H.)

LIBEL FILED: January 14, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 10, 1946, by Gillett & Achterberg, from Canutillo, Tex.

PRODUCT: 31,200 pounds of dried chili peppers in bags at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy chili peppers.

DISPOSITION: February 25, 1947. Gillett & Achterberg, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

**12752. Adulteration of red peppers. U. S. v. 106 Bags \* \* \*.** (F. D. C. No. 23959. Sample No. 6403-K.)

LIBEL FILED: November 7, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about September 8, 1947, by J. D. White, from Timmonsville, S. C.

PRODUCT: 106 bags of red peppers at Rochester, N. Y., varying in weight from 58 to 116 pounds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect excreta and insect-eaten peppers.

DISPOSITION: February 12, 1948. Default decree of condemnation and destruction.

**12753. Adulteration and misbranding of popcorn seasoning. U. S. v. St. Louis Fondant Co., a corporation, and Hugo Eisenmenger and Edward Zeisler. Pleas of nolo contendere. Fines, \$50 against corporation and \$20 against each individual.** (F. D. C. No. 20952. Sample No. 6524-H.)

INFORMATION FILED: November 4, 1946, Eastern District of Missouri, against the St. Louis Fondant Co., St. Louis, Mo., and Hugo Eisenmenger and Edward Zeisler, president and secretary, respectively.

ALLEGED SHIPMENT: On or about August 17, 1945, from the State of Missouri into the State of New York.

LABEL, IN PART: "Eagle Brand."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), a substance, yellow color, had been added to mineral oil and mixed and packed with it so as to make the article appear to be an edible oil, which is better and of greater value.

Misbranding, Section 403 (a), the labeling of the article was misleading in that it failed to reveal the fact material with respect to the consequences which may result from the customary or usual use of the article for popcorn seasoning, since the article contained an oil which would interfere seriously with the assimilation of certain essential vitamins and minerals, and when used as popcorn seasoning might render the product injurious to health.

DISPOSITION: March 17, 1947. Pleas of nolo contendere having been entered by the defendants, the court imposed fines of \$50 against the corporate defendant and \$20 against each individual defendant.

**12754. Adulteration and misbranding of popcorn seasoning. U. S. v. 25 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 22218, 22227, 22239. Sample Nos. 57647-H, 74003-H, 74005-H.)

LIBELS FILED: January 27, 29, and 31, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 20 and 24 and October 3, 1946, by Bernau Processing Plant, from Lake City, Iowa.