

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1913.

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

ADULTERATION AND MISBRANDING OF WINE.

On January 31, 1912, the United States Attorney for the Western District of Missouri, 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 12 cases of wine, each containing 12 bottles, remaining unsold in the original, unbroken packages and in possession of Meyer Block, St. Joseph, Mo., alleging that the product had been shipped during the month of October, 1911, by the Sweet Valley Wine Co., a corporation, Sandusky, Ohio, and transported from the State of Ohio into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Ohio Wine, M. Block, St. Joseph, Mo. Glass. With Care. Serial Number 124. Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law, June 30, 1906, 12 Bottles." (On bottles) "Special Scuppernong Wine. Queen of Lake Erie, Ohio. Bottled for M. Block, St. Joseph, Mo.," with the print or picture of a woman printed upon said label. "Guaranteed not to be adulterated or misbranded within the meaning of the National Food Law."

Adulteration of the product was alleged in the libel for the reason that it had been mixed with a substance, to wit, pomace wine, so as to reduce, lower, and injuriously affect its quality and strength, and in that pomace wine had been substituted in whole or in part for the product in this, that the labels on the product represented and stated that the product was "Special Scuppernong Wine, Queen of Lake Erie, Ohio", when in truth and in fact it was a pomace wine. Misbranding was alleged for the reason that the brands and labels on the product were false and misleading in that said wine was offered for sale under the distinctive name of another article, to wit, "Special Scuppernong Ohio Wine", when in truth and in fact it was a pomace wine; in that the product was labeled and branded so as to deceive

and mislead the purchaser thereof in that the labels represented and stated the product to be a scuppernong wine when in truth and in fact it was a pomace wine; in that the labels upon the product bore statements, designs, and devices regarding the ingredients and substances contained therein which were false and misleading, in that said labels stated and represented that the product was a scuppernong wine, when in truth and in fact it was a pomace wine.

On April 10, 1912, the said Sweet Valley Wine Co., claimant, having consented thereto, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings amounting to \$75.35, and the execution of bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1912.*

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