

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2054.

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

ADULTERATION AND MISBRANDING OF SO-CALLED GRAPE JUICE.

On July 22, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry T. Wilbur and Katherine C. Wilbur, a copartnership, doing business under the name of the Fredonia Wine Co., Fredonia, N. Y., alleging shipment by them, in violation of the Food and Drugs Act, on June 8, 1911, from the State of New York into the State of Tennessee, of a quantity of so-called grape juice which was adulterated and misbranded. The product was labeled: "Imperial Unfermented Grape Juice From Choicest Concord Grapes (Absolutely pure) Keep in cool place and serve cool. Put up in Chautauqua County, New York, W. E. Clarke Company, Distributors, Omaha, Neb. No. 17008, Guaranteed under the Food and Drugs Act, June 30, 1906. Concord Grape Juice—The simple unfermented juice of Selected Chautauqua Concord Grapes. This Grape Juice is a food—a nutritious food for both sick and well. Invalids, especially fever patients find it not only palatable, but appetizing and strengthening. It can be taken when medicine and other foods are rejected. Especially recommended as a food in Typhoid Fever, Pneumonia, Pleuritis, Peritonitis, Rheumatism, Lying-in Patients, and for all chronic diseases except Diabetes Melitis. For the sick add cold water as agreeable to the patient. In acute diseases the patient should take all that can be borne, beginning with a wineglass say every two or three hours. For the Sacrament, to each quart add one or two tumblers of cold water. As a beverage dilute with chipped ice. After being opened it will keep sweet for a time in a cool place.

Never changes while sealed. Measure of quarts 32 ounces; pints 16 ounces. Sweetened by Pure Cane Sugar. Always keep in a cool place."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed that it is abnormal in composition because of excessive acid, low cream of tartar, insufficient crude ash, low total ash alkalinity, and the fact that the water insoluble alkalinity is greater than the water soluble alkalinity, which is contrary to available data on ash alkalinities of Concord grape juice. These discrepancies warrant the charge of sophistication. The determinations for the elements mentioned are, in grams per 100 cc of the sample: Total acid as tartaric, 1.013; fixed acid as tartaric, 0.995; other fixed acids expressed as tartaric, 0.611; total tartaric acid, 0.555; free tartaric acid, 0.213; cream of tartar, 0.203; tartaric acid to alkaline earths, 0.18; ash, 0.16; total ash alkalinity (cc N/10 acid), 22.8; alkalinity of water soluble ash, 10.8; alkalinity of water insoluble ash, 12.0. Adulteration of the product was alleged in the information for the reason that a partially fermentated grape juice sweetened with cane sugar had been substituted in part for unfermented grape juice. Misbranding was alleged for the reason that the product was labeled as set forth above, which said label and statements were false and misleading, in that the product in fact was not unfermented grape juice absolutely pure, but was partially fermented, and contained cane sugar; that said product in truth and in fact consisted of grape juice which was partially fermented, and cane sugar, and was misbranded in that the following statement, to wit, "Unfermented Grape Juice, Absolutely Pure" borne on the label, was false and misleading in that it misled and deceived the purchaser into the belief that the product was a pure unfermented grape juice, whereas in truth and in fact it was partially fermented and contained cane sugar, the statement "sweetened by pure cane sugar" borne on the label not being sufficiently conspicuous and being wholly disconnected from the main label, to correct the deceit created by the main label. The product was further misbranded so as to deceive and mislead the purchaser in that the statement "Guaranteed under the Food and Drugs Act, June 30th, 1906" borne on the label, was false and misleading in that the same tended to create the impression that the same was guaranteed by the United States, whereas in truth and in fact it was not so guaranteed.

On September 10, 1912, the defendants entered a plea of guilty to the information and the court imposed a fine of \$10.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 2, 1912.*