

the labels contained thereon were labeled and printed so as to deceive and mislead the purchaser thereof, and said products were adulterated in that a substitution had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength, and that a substance had been substituted in part for the articles, and an analysis of samples disclosing the fact that the products were imitations of Scuppernong wine, made in whole or in part from another wine or wines, or base wine, sweetened or mixed in imitation of Scuppernong wine.

On October 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3161. Adulteration and misbranding of wine. U. S. v. 2 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5301. S. No. 1895.)

On August 14, 1913, 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 a libel for the seizure and condemnation of 2 barrels, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of the St. Louis Wine and Liquor Co., St. Louis, Mo., alleging that the product had been shipped on or about July 10, 1913, 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: "A Ohio Scuppernong Wine Guaranteed by The Sweet Valley Wine Co. under the Food and Drugs Act June 30, 1906."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the labels stated and indicated, but, on the contrary thereof, a substance consisting in whole or in part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, consisting wholly or in large part of a mixture or base of wines, which had been sweetened, flavored, and mixed in imitation of Scuppernong wine, had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and, further, in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," would deceive and mislead the purchaser thereof into the belief that said product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine, but a mixture of other wines; and further in that said labels on the barrels, to wit, "Ohio Scuppernong Wine," were descriptive of the substance contained in said barrels, and were false and misleading in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*