

3563. Misbranding of vodka. U. S. v. Herman Sinkowetsky and Moses Ludwak (Russian Transfer Monopole Co.). Plea of guilty. Sentence suspended. (F. & D. No. 5585. I. S. No. 834-e.)

On June 19, 1914, the United States attorney for the Southern 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 Herman Sinkowetsky and Moses Ludwak, copartners, trading under the firm name and style of the Russian Transfer Monopole Co., alleging shipment by the said defendant, in violation of the Food and Drugs Act, on September 7, 1912, from the State of New York into the State of Massachusetts, of a quantity of vodka which was misbranded. The product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 6 K, Bottle 1½ K, Total 7½ K." ("K" means "kopec," a Russian coin.) (Reverse Russian label, translated) "St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1."

Investigation by the Bureau of Chemistry of this department showed that the product was of domestic manufacture.

Misbranding of the product was alleged in the information for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro * * *" and "St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1," appearing on the label aforesaid regarding said article and the ingredients and substances therein contained, were false and misleading, in that they indicated that the said article was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Government pure (or rectified) Spirits (or alcohol) 1/200 Vedro * * * St. Petersburg Revenue Office. 13. 11. 1912. Government Whiskey. Storehouse No. 1," thereby indicating that the article aforesaid was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, the said article was not a foreign product, nor a product of Russia, but was a product of domestic manufacture.

On July 2, 1914, a plea of guilty was entered on behalf of the defendants, and the court suspended sentence, fines having been imposed in other cases against the defendants on the same date.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*