

condemnation of 10 drums and 72 cases of extra dry champagne, nonalcoholic, and 12 cases of sparkling Burgundy, nonalcoholic, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the articles had been shipped in part by H. G. Mumm & Co., New York, N. Y., July 28 and August 10, 1920, respectively, and in part from Columbus, Ohio, September 1, 1920, and transported from the States of New York and Ohio, respectively, into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that imitation products, artificially carbonated, had been mixed and packed with, and substituted wholly or in part for, nonalcoholic champagne and nonalcoholic sparkling Burgundy. Adulteration was alleged for the further reason that the articles were artificially colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the articles bore labels, respectively, in part as follows, "Unfermented H. G. Mumm & Company Extra Dry Champagne Non-Alcoholic. H. G. Mumm & Company, Distributors, Bordeaux, France, New York, Chicago," and "Non-Alcoholic H. G. Mumm & Company Sparkling Burgundy Style \* \* \*," which labels were false and misleading and deceived and misled the purchaser in that the said articles were not extra dry champagne and sparkling Burgundy. Misbranding was alleged for the further reason that the articles were imitations of, and sold under the distinctive names of, other articles, to wit, extra dry champagne and sparkling Burgundy, respectively. Misbranding of a portion of the extra dry champagne was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 20, 1921, the Steele-Wedeles Co., Chicago, Ill., claimant, having admitted the allegations of the libel filed in the case of the 22 cases of extra dry champagne and 12 cases of sparkling Burgundy, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said portion of the products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the articles be labeled in harmony with the Federal Food and Drugs Act. On October 6, 1921, no claimant having appeared for the remainder of the extra dry champagne, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10013. Misbranding of peaches. U. S. \* \* \* v. Charles E. Dean. Plea of guilty. Fine, \$5 and costs. (F. & D. No. 14313. I. S. No. 3054-t.)**

On April 25, 1921, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Charles E. Dean, Marble Hill, Ind., charging shipment by said defendant, on or about August 24, 1920, in violation of the Food and Drugs Act, as amended, from the State of Indiana into the State of Ohio, of a quantity of peaches in unlabeled baskets, which were misbranded.

Misbranding of the article was charged in the indictment for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 31, 1921, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$5 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10014. Misbranding of McMullin's tonic. U. S. \* \* \* v. 6 Half-Pint Bottles of \* \* \* McMullin's Tonic, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14842, 14852. I. S. Nos. 10789-t, 10792-t. S. Nos. W-918, W-919.)**

On May 3 and 5, 1921, respectively, the United States attorney for the District of New Mexico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 14 half-pint bottles, 16 pint bottles, and 4 quart bottles of McMullin's tonic, remaining unsold in the original packages at Tucumcari and