

2811. Misbranding and alleged adulteration of wine. U. S. v. 7 Cases of Wine. Decree of condemnation by consent. Product released on bond. (F. & D. No. 3156. S. No. 1148.)

On November 6, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of one case of so-called Sauterne, two cases of so-called Moselle, and four cases of so-called Burgundy remaining unsold in the original unbroken packages and in the possession of the Los Angeles Wine Co., Spokane, Wash., alleging that the product had been shipped on or about September 22, 1911, by A. Finke's Widow, San Francisco, Cal., and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The Sauterne was labeled: (On case) "Glass with care. This side up. Guaranteed under the Pure Food and Drugs Act June 30, 1906. California Sparkling Sauterne. A. Finkes widow, San Francisco. 12 Large Bottles. Los Angeles Wine Company, Spokane, Wash." (On bottles) "Sparkling Sauterne. Extra Dry Sparkling Sauterne, product of California, Grand Vin Royal, Serveau and Cie Brand. A. Finkes Widow, San Francisco." Adulteration and misbranding of the product was alleged in the libel for the reason that the said Sauterne was not wine of that variety but was artificially carbonated, differing from Sauterne, which is a foreign wine of distinct character, and the labeling of said Sauterne was misleading and false so as to deceive and mislead the purchaser and so as to offer the contents for sale under the name of another article.

The Moselle was labeled: (On cases) "Glass with care. This side up. Guaranteed under the pure food and drugs act June 30, 1906. California Sparkling Moselle. A. Finkes Widow, San Francisco. 24 small bottles Los Angeles Wine Co., Spokane, Wash." (On bottles) "Sparkling Moselle. Extra Dry Sparkling Moselle. Product of California. Grand Vin Royal Serveau and Cie Brand. A. Finkes Widow, San Francisco." Adulteration and misbranding of this product was alleged in this libel for the reason that said Moselle was not wine of that variety but was artificially carbonated, differing from Moselle, which is a foreign wine of distinct character, and that the labeling of said Moselle was misleading and false so as to deceive and mislead the purchaser and so as to offer the contents for sale under the name of another article.

The Burgundy was labeled: (On cases) "Glass with care. This side up. Guaranteed under the Pure Food and Drugs Act June 30, 1906. California Sparkling Burgundy. A. Finkes Widow, San Francisco. 24 Small Bottles. Los Angeles Wine Co., Spokane, Wash." (On bottles) "Sparkling Burgundy. Extra Dry Sparkling Burgundy. Product of California. Grand Vin Royal Serveau and Cie Brand. A. Finkes Widow, San Francisco." Adulteration and misbranding of this product was alleged in the libel for the reason that said Burgundy was not wine of that variety but was artificially carbonated, differing from Burgundy, which is a foreign wine of distinct character, and the labeling of said Burgundy was misleading and false so as to deceive and mislead the purchaser and offer the contents for sale under the name of another article.

On June 30, 1913, A. Finkes Widow Co., a copartnership, having theretofore filed its exceptions and objections to the libels and the same having been overruled by the court, and on February 18, 1913, said claimant having agreed by stipulation that decrees might be entered, judgments of condemnation and forfeiture were entered, the court finding the products misbranded but not adulterated, and it was directed that the products should be sold by the United States marshal unless said claimant pay all the costs of the proceedings and execute bond in conformity with section 10 of the act, in which case the products should be delivered and restored to said claimant by the United States marshal.

On August 25, 1913, the required bonds were furnished and the costs were paid by said claimant. While it was alleged in the libels that the products were adulterated,

in reporting the case to the United States Attorney for action no charge of adulteration was made.

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

WASHINGTON, D. C., *February 3, 1914.*

2812. Misbranding and alleged adulteration of wine. U. S. v. Ten Cases of Wine. Decree of condemnation by consent. Product released on bond. (F. & D. No. 3157. S. No. 1149.)

On November 6, 1911, the United States Attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of five cases of so-called Sauterne and five cases of so-called Moselle remaining unsold in the original unbroken packages and in the possession of the Spokane Table Supply Co., Spokane, Wash., alleging that the product had been shipped on or about June 22, 1911, from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The Sauterne was labeled: (On cases) "California Sparkling Sauterne. Glass with care. This side up. Guaranteed under the Pure Food and Drugs Act June 30, 1906. A. Finkes Widow, San Francisco, Spokane Table Supply Co., Spokane, Wash. 24 small bottles." (On bottles) "Sparkling Sauterne. Sparkling Sauterne, Product of California. F. C. Marne and Co., Brand. A. Finkes Widow San Francisco." The Moselle was labeled: (On cases) "California Sparkling Moselle. Glass with care. This side up. Guaranteed under the Pure Food and Drugs Act June 30, 1906. A. Finkes Widow, San Francisco. Spokane Table Supply Co. Spokane, Wash. 24 small bottles." (On bottles) "Sparkling Moselle. Sparkling Moselle Product of California. F. C. Marne and Co. Brand. A. Finkes Widow San Francisco."

Adulteration and misbranding of these products was alleged in the libels for the reason that the said sparkling Sauterne and the said sparkling Moselle were not wines of those varieties but were artificially carbonated, differing from sparkling Sauterne and sparkling Moselle, which are foreign wines of distinct characters, and the labeling of said Sauterne and said Moselle was misleading and false so as to deceive and mislead the purchaser and so as to offer the contents for sale under the names of other articles.

On June 30, 1913, A. Finkes Widow Co., a copartnership, having theretofore filed its exceptions and objections to the libels and the same having been overruled by the court, and on February 18, 1913, said claimant having agreed by stipulation that decrees might be entered, judgments of condemnation and forfeiture were entered, the court finding the products misbranded but not adulterated, and it was directed that the products should be sold by the United States marshal unless said claimant pay all the costs of the proceedings and execute bond in conformity with section 10 of the act, in which case the products should be delivered and restored to said claimant by the United States marshal.

On August 25, 1913, the required bonds were furnished and the costs were paid by said claimant. While it was alleged in the libels that the products were adulterated, in reporting the case to the United States Attorney for action no charge of adulteration was made.

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

WASHINGTON, D. C., *February 3, 1914.*

2813. Misbranding of rice. U. S. v. 110 Cases of Rice. Product released on bond by order of court. (F. & D. No. 3161. S. No. 1152.)

On November 3, 1911, the United States Attorney for the Southern District of West Virginia, 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 110 cases, each containing 100 one-pound cartons of rice, remaining unsold in the original unbroken packages and in possession of Lewis, Hubbard & Co., Charleston,