

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**3101. Adulteration and misbranding of wine. U. S. v. 5 Barrels of Wine. Default decree of condemnation and forfeiture. Goods ordered released on bond. (F. & D. No. 5219. S. No. 1837.)**

On June 10, 1913, the United States Attorney for the District of Nebraska, 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 5 barrels, each containing 72 bottles of wine, remaining unsold in the original unbroken packages and in possession of Courtney & Co., Omaha, Neb., alleging that the product had been shipped on or about April 8, 1913, by the Sweet Valley Wine Co., Sandusky, O., and transported in interstate commerce from the State of Ohio into the State of Nebraska, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Sweetened with cane sugar. Delaware and Scuppernong blend ameliorated with sugar solution. Scuppernong bouquet wine, trade mark the Sweet Valley Wine Company, Sandusky, Ohio. Registered. Intoxicating liquor. Capacity 25 oz. Alcohol 12 to 13."

Adulteration of the product was alleged in the libel for the reason that a product made from other wines, or pomace wines, sweetened and mixed in imitation of scuppernong wine, had been mixed with the product so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a certain product made from other wines, or pomace wine, sweetened and mixed in imitation of scuppernong wine, had been substituted in whole or in part for the product. Misbranding was alleged for the reason that the product was a pomace wine, sweetened and mixed in imitation of scuppernong wine, in that it was labeled and branded so as to deceive and mislead purchasers in this, to wit, in that it purported to be scuppernong bouquet wine, when, in truth and in fact, it was a pomace wine sweetened and mixed in imitation of scuppernong wine, and for the further reason that each of the bottles bore a statement and label regarding the ingredients or substance contained therein, to wit, the statement "Delaware and scuppernong wine. Scuppernong bouquet wine," the word "Scuppernong" appearing in very conspicuous type, which statement was false and misleading, in that it conveyed the impression to purchasers that the product was a scuppernong wine, whereas, in truth and in fact, it was a pomace wine, sweetened and mixed in imitation of scuppernong wine.

On November 5, 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 delivered to the Sweet Valley Wine Co., upon payment by it of all the costs of the proceedings and the execution of bond in the sum of \$400 in conformity with section 10 of the act. It was further ordered that, in the event said Sweet Valley Wine Co. failed to pay the cost or to give bond as above required, the product should be sold by the United States marshal after the same had been properly branded.

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

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

**3102. Adulteration of canned salmon. U. S. v. 875 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5220. S. No. 1829.)**

On May 26, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the