

“Apex Fancy Mill Run Mixed Feed. Pure Bran & Middlings Guaranteed Analysis not less than protein 14.00 to 17.00%, Crude fat 4.00 to 5.00% Allen Baker Commission Co., St. Louis, Mo. 100 lbs. 8321.”

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the presence therein of 8 per cent screenings.

Adulteration of the product was alleged in the information for the reason that a substance other than bran and middlings, namely, screenings, had been substituted in part for the article; and, further, in that screenings had been mixed and packed with the article so as to reduce or lower or injuriously affect its quality or strength. Misbranding was alleged for the reason that the statement, “Pure Bran and Middlings,” borne on the packages in which said article was delivered for shipment, was false and misleading, because, as a matter of fact, said article was not composed entirely of bran and middlings, as represented by said statement, but was composed in part of screenings; and, further, in that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that it was composed entirely of bran and middlings, whereas said article was not composed entirely of bran and middlings, but contained in addition to bran and middlings approximately 8 per cent of screenings.

On May 13, 1914, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914*.

**3453. Adulteration and misbranding of wines (Sparkling Moselle, Sparkling Sauternes [Sauterne], and Sparkling Burgundy). U. S. v. 41 Cases, More or Less, of California Wine. Default decree of condemnation and forfeiture. Product ordered sold. F. & D. No. 5447. I. S. Nos. 326-h, 327-h, 328-h. S. No. 2023.)**

On November 25, 1913, the United States attorney for the Northern District of Illinois, 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 41 cases of bottled sparkling moselle, sparkling sauternes [sauterne], and sparkling burgundy, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on October 13, 1913, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The sparkling moselle was labeled: (Capsule) “Mont Rouge” (Neck label) “Chauché & Bon Sparkling Moselle Type Mont Rouge” (Principal label) “Mont Rouge (Monogram C & B) Vineyard Livermore California Pure California Sparkling Moselle Chauché & Bon San Francisco Guaranteed under Food and Drugs Act June 30, 1906 by Chauché & Bon Serial No. 13520.” The sparkling sauternes [sauterne] were [was] labeled: “Mont Rouge” (Neck label) “Chauché & Bon Mont Rouge Pure California Sparkling Sauternes” (Principal label) (Monogram C & B) Mont Rouge Vineyard Livermore California Sparkling Sauternes Type Chauché & Bon San Francisco Guaranteed under Food and Drugs Act June 30, 1906 by Chauché & Bon Serial No. 13520.” The sparkling burgundy was labeled: (Capsule) “Mont Rouge” (Neck Label) “Chauché & Bon Mont Rouge Pure Sparkling Burgundy” (Principal label) (Monogram C & B) “Mont Rouge Vineyard Livermore California Pure California Sparkling Burgundy Chauché & Bon San Francisco Guaranteed under Food and Drugs Act June 30, 1906 by Chauché & Bon Serial No. 13520.”

Adulteration of all of these products was alleged in the libel for the reason that a certain beverage, to wit, an artificially carbonated wine, had been mixed and packed with the articles of food aforesaid so as to reduce, lower, and injuriously affect the quality and strength of the articles of food aforesaid. Adulteration was alleged for the further reason that a certain beverage, to wit, an artificially carbonated wine, had been substituted wholly for the articles of food aforesaid, and for the further reason

that a certain beverage, to wit, an artificially carbonated wine, had been substituted in part for the articles of food aforesaid. Misbranding of the products was alleged for the reason that each of the bottles filled with the articles of food aforesaid bore, respectively, the labels in words and figures as set forth above, which said labels borne on the bottles aforesaid were false and misleading in that said labels aforesaid purported to state that the articles of food, to wit, the liquors or beverages, were, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages aforesaid, were not, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, but were, respectively, artificially carbonated California moselle wine, artificially carbonated California sauternes [sauterne] wine, and artificially carbonated California burgundy wine. Misbranding was alleged for the further reason that said labels deceived and misled the purchaser into the belief that the articles of food aforesaid were, respectively, genuine bottle-fermented California sparkling moselle wine, genuine bottle-fermented California sparkling sauternes [sauterne] wine, and genuine bottle-fermented California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid were not, respectively, bottle-fermented California sparkling moselle wine, bottle-fermented California sparkling sauternes [sauterne] wine, and bottle-fermented California sparkling burgundy wine, but were, respectively, artificially carbonated California sauternes [sauterne] wine, and artificially carbonated California burgundy wine. Misbranding was alleged for the further reason that said labels were false and misleading, in that the labels aforesaid purported to state that the articles of food aforesaid were, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages aforesaid, were not, respectively, genuine bottle-fermented California sparkling moselle wine, genuine bottle-fermented California sparkling sauternes [sauterne] wine, and genuine bottle-fermented California sparkling burgundy wine, but were, respectively, artificially carbonated California sparkling moselle wine, artificially carbonated California sparkling sauternes [sauterne] wine, and artificially carbonated California sparkling burgundy wine, and were offered for sale under the distinctive names of other articles of food, to wit, respectively, California sparkling moselle, California sparkling sauternes [sauterne], and California sparkling burgundy.

On June 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the words "Sparkling Moselle Type" and "Pure California Sparkling Moselle"; the words "Sparkling Sauternes Type" and "Pure California Sparkling Sauternes"; and the words "Sparkling Burgundy Type" and "Pure California Sparkling Burgundy" should be obliterated from the labels aforesaid, and in lieu thereof that there should be printed and placed upon each of the bottles of moselle and sauterne a label or labels of suitable size containing the words "Artificially Carbonated California White Wine," and upon each of the bottles of burgundy a label or labels of suitable size containing the words "Artificially Carbonated California Red Wine," and that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3454. Adulteration and misbranding of lemon flavor. U. S. v. One Keg \* \* \* Purporting to be Terpeneless Lemon Flavor. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 5467. I. S. No. 4452-h. S. No. 2040.)

On December 9, 1913, the United States attorney for the District of Indiana, 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 1 keg containing 25