

Adulteration was alleged in the information for the reason that a valuable constituent of the article of food had been left out and abstracted in whole and in part.

On August 25, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

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

WASHINGTON, D. C., *October 13, 1914.*

**3492. Adulteration of milk. U. S. v. Luther Cleveland. Plea of guilty. Fine, \$10.** (F. & D. No. 255-c.)

On August 25, 1914, the United States attorney for the District of Columbia, acting upon a report by the health officer of said District, authorized by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Luther Cleveland, Washington, D. C., alleging the sale by said defendant, on July 22, 1914, at the District aforesaid, in violation of the Food and Drug Act, of a quantity of milk which was adulterated.

Adulteration of the product was alleged in the information for the reason that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality and strength.

On August 25, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

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

WASHINGTON, D. C., *October 13, 1914.*

**3493. Misbranding of so-called champagne. U. S. v. Ernest Schraubstadter et al. (A. Finke's Widow). Pleas of guilty. Fine, \$35.** (F. & D. Nos. 1873, 2013, 2268, 2327, 2352. I. S. Nos. 18710-b, 14078-b, 3113-c, 2800-c, 3108-c.)

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States within and for said district, after presentation by the United States attorney for the district aforesaid, upon reports by the Secretary of Agriculture, returned two indictments against Ernest Schraubstadter and Emile A. Groezinger, doing business under the firm name and style of A. Finke's Widow, San Francisco, Cal., charging:

(1) The shipment by said defendants, on April 6, 1910, in violation of the Food and Drugs Act, from the State of California into the State of New Mexico, of a quantity of so-called champagne which was misbranded.

Investigation of the product by the Bureau of Chemistry of this department showed that it was an artificially carbonated wine of domestic manufacture.

It was charged in the first count of one of the indictments that the product was misbranded for the reason that each of said bottles had three labels thereon regarding said so-called champagne, one label being made of tin foil which said label covered the mouth and neck of the bottle on which were stamped the words in blue type, "Extra Dry"; around the neck of the bottle and at the bottom of said tin foil label as a neck label was a second label containing the words "Extra Dry Champagne" and containing the impression of a circular star, crown and shield upon which shield was a monogram consisting of the letters "A. F. W."; and upon the main label of the bottle was an impression of a crown and shield upon which shield was a monogram consisting of the letters "A. F. W.", the word "Trade" being on the left side of said shield and the word "Mark" being on the right side of said shield, and said label contained the words: "Grand Vin Royal Extra Dry Duffleur Fils & Cie. Guaranteed under the Pure Food and Drugs Act June 30th 1906 Serial No. 7016"; and on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said labels and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendant then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high-class wine made in France, and that said

labels and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said labels and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all, but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

Misbranding of this product was charged in the other indictment for the reason that said labels were designed to mislead, and did mislead, the purchaser into the belief that he was buying, and that the product was in fact, a champagne manufactured in a foreign country, whereas, in truth and in fact, the words "Dufleur Fils & Cie" did not represent the manufacturer, but the same was a mere fiction and calculated to deceive and to give the impression to the purchaser that the so-called champagne was a foreign product, whereas, in truth and in fact, it was a domestic product consisting of California white wine artificially carbonated, and was not a champagne at all.

(2) The sale by said defendants, on December 20, 1909, under a written guarantee that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of so-called champagne which was a misbranded article under said act, and which said article, on January 27, 1910, without having been changed in any particular, was shipped by the purchaser, from the State of California into the Territory of Arizona, in violation of the Food and Drugs Act.

Investigation of this product by said Bureau of Chemistry showed that it was not a bottle fermented wine and not of foreign origin.

Misbranding of the product was charged in the second count of one of the indictments for the reason that each of said bottles had three labels thereon regarding said so-called champagne, one label being made of tin foil which said label covered the mouth and neck of the bottle and on which were stamped the words in blue letters "Extra Dry;" around the neck of the bottle and at the bottom of said tin foil label as a neck label was a second label containing the words "Extra Dry Champagne" and containing the impression of a circular star, crown and shield; and upon the third and main label of said bottle was an impression of a crown and shield with an eagle upon the said shield, and said label contained the words and figures following, to wit: "Private Cuvee Champagne Type Louis Roucher & Cie. Brand Guaranteed under the Pure Food and Drugs Act, June 30th 1906, Serial No. 2748", and on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said labels and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendants then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high class wine made in France, and that said labels and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said labels and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

(3) The sale by said defendants, on June 15, 1910, under a written guarantee that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of so-called champagne, which was a misbranded article under the Food and Drugs Act, and which said article, on June 15, 1910, without having been changed in any particular, was shipped by the purchaser

thereof, from the State of California into the State of Washington, in violation of said Food and Drugs Act.

Examination and investigation of this product by said Bureau of Chemistry showed that it was a cloudy ordinary white wine artificially carbonated and of domestic origin.

Misbranding of this product was charged in the third count of one of the indictments for the reason that each of said bottles had a label thereon regarding said so-called champagne, as follows: "Champagne" under which was an impression of a crown, and under the crown were the following words and figures, "Carte D'or Brand Guaranteed under the National Pure Food & Drugs Act, June 30th 1906"; on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said label and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendants then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high class wine made in France, and that said label and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said label and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

(4) The sale by said defendants, on February 3, 1910, under a written guarantee that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of so-called champagne, which was a misbranded article within the meaning of said act, and which said article, without having been changed in any particular, was, on June 21, 1910, shipped by the purchaser thereof, from the State of California into the Territory of Arizona, in violation of the Food and Drugs Act.

Investigation and examination of this product by said Bureau of Chemistry showed that it was a cloudy domestic white wine which was artificially carbonated.

Misbranding of this product was charged in the fourth count of one of the indictments for the reason that each of said bottles had two labels thereon regarding said so-called champagne, one label around the neck of the bottle containing the words "Extra Dry Champagne" and containing the impression of a circular star, crown and small maltese cross; and upon the second label on said bottle was an impression of a crown and the words and figures following, to wit: "Extra Dry Perle de la Champagne Brand Product of California Guaranteed under the Pure Food and Drug Act June 30th 1906, Serial No. 7016"; and on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said labels and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendants then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high class wine made in France, and that said labels and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said labels and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

(5) The sale and shipment, on February 19, 1910, by said defendants, under a written guarantee that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, of a quantity of so-called champagne, which was a misbranded article within the meaning of said act, and which said article, without having been changed in any particular, was shipped by said defendants and the purchaser thereof, from the State of California into the State of Washington, in violation of the Food and Drugs Act.

Investigation and examination of this product by said Bureau of Chemistry showed that it was a cloudy white wine of domestic origin artificially carbonated.

Misbranding of this product was charged in the fifth and sixth counts of one of the indictments for the reason that each of said bottles had three labels thereon regarding said so-called champagne, one label being made of tin foil which said label covered the mouth and neck of the bottle and on which were stamped the words in blue letters "Extra Dry"; around the neck of the bottle and at the bottom of said tin foil label as a neck label was a second label containing the words "Extra Dry Champagne" and containing the impression of a circular star, crown and shield; and upon the third and main label of said bottle was an impression of a crown and shield, upon the left side of which was the word "Trade" and on the right side of which was the word "Mark", and the said label contained the words and figures following, to wit: "Grand Prix Brand Champagne Product of California Guaranteed under the National Pure Food & Drugs Act, June 30th 1906. B. Arnhold & Co., San Francisco Distributors"; and on the bottom of the cork of said bottle were the words "Champagne Mousseux"; that said labels and the words and impressions thereon and the words on said cork gave and would give to the purchaser, as defendants then and there well knew, the impression that the product contained in each of said bottles was a foreign product, to wit, champagne, which is, as defendants then and there well knew, a high class wine made in France, and that said labels and the words and impressions thereon and the words on said cork were then and there calculated to deceive and mislead the purchaser into the belief that the same was a foreign product, to wit, champagne, and that by and through said labels and the words and impressions thereon and the words on said cork it purported to be a foreign product, whereas, in truth and in fact, the said so-called champagne, as defendants then and there well knew, was not and is not a foreign product nor champagne at all, but was then and there, as defendants then and there well knew, a domestic product, to wit, a white wine artificially carbonated and made in California.

On February 26, 1914, a plea of guilty to each indictment was entered on behalf of the defendant firm and on May 2, 1914, the court imposed a fine of \$35.

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

WASHINGTON, D. C., *October 13, 1914.*

**3494. Alleged misbranding of Dodson's remedy. U. S. v. Dodson's Remedy Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 2584. I. S. No. 8004-c.)**

On June 13, 1911, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dodson's Remedy Co., a corporation, Norfolk, Va., alleging shipment by said company in violation of the Food and Drugs Act, on July 25, 1910, from the State of Virginia into the State of Massachusetts, of a quantity of a certain drug known as Dodson's remedy, which was alleged to have been misbranded. The product was labeled: (Design of a Maltese cross.) "Dodson's Remedy. Prompt and Effectual. For headache, toothache, nervousness, sciatica, neuralgia, earache, rheumatic pains, lumbago, etc. \* \* \* Phenylacetamid 12 grs. to the fluid oz. with 30% alcohol. \* \* \* Contains no chloral or morphia, and is perfectly safe, and may be taken without injury if used according to directions." (On circular) "This remedy contains no habit-forming drugs."