

**4402. Misbranding of "Curative Jasnogorskie Wine." U. S. \* \* \* v. European Wine & Liquor Co., a corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 6191. I. S. No. 2189-h.)**

On November 4, 1915, 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 an information against the European Wine & Liquor Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 4, 1913, from the State of Illinois into the State of Indiana, of a quantity of "Curative Jasnogorskie Wine," which was misbranded. The article was labeled: (Translation of label on bottle) "Curative Jasnogorskie Wine Medical Wine European Wine & Liquor Co. Chicago, Illinois. If you desire to suffer no longer, use only Wine Jasnogorskie. A product of a European Winery. Jasnogorskie Wine has been recognized by doctors of the whole world as a sure remedy for all ailments arising from impure blood and stomach trouble. It contains in addition to pure wine 12 medicinal ingredients and curative herbs from the island of Tonko. This prescription is known for many years amongst European doctors and monks who through philanthropic motives have given this prescription to the manufacturers of wine in order to build up the weak and sick. Jasnogorskie Wine is without exception the best remedy by the use of which you can counteract all stomach troubles and ailments arising through impure blood, to wit: indigestion, general debility, loss of physical power, dizziness, anemia, and other ailments of both sexes, and even of children. It should be used in the morning, before dinner, and after supper. For children according to age. It can be obtained in Polish drugstores as well as in English drugstores, and in all places of business. Demand always Jasnogorskie Wine! European Wine & Liquor Co., 3004 Archer Avenue, Chicago, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Specific gravity, 15.6° C/15.6° C	1.0183
Alcohol (per cent by volume)	15.54
Glycerol (gram per 100 cc)	0.52
Solids (grams per 100 cc)	9.51
Nonsugar solids (grams per 100 cc)	2.48
Sucrose, by Clerget (grams per 100 cc)	5.19
Reducing sugars, invert (grams per 100 cc)	1.84
Polarization direct, 20° C. (°V.)	+5.44
Polarization invert, 20° C. (°V.)	-2.4
Ash (gram per 100 cc)	0.28
Total phosphoric acid (mgs. per 100 cc)	31.2
Acid as tartaric (gram per 100 cc)	0.63
Color: Ponceau 3 R.	
Emodin: Present.	
Iron, arsenic, and alkaloids: Absent.	

Misbranding of the article was alleged in the information for the reason that it contained 15.54 per cent of alcohol by volume, and the bottle containing the same failed to bear a statement on its label of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, appearing on the label aforesaid, to wit, "A product of a European Winery. \* \* \* This prescription is known for many years amongst European doctors and monks who through philanthropic motives have given this prescription to the manufacturers of wine in order to build up

the weak and sick," were false and misleading in that they indicated to the purchasers thereof, and misled and deceived the purchasers into the belief, that said article of drugs was the product of a European winery and manufactured in Europe, when, in truth and in fact, it was not, but was a product of domestic origin, manufactured in the city of Chicago, in the State of Illinois. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the article, appearing on the label aforesaid, to wit, "Jasnogorskie Wine is without exception the best remedy by the use of which you can counteract all stomach troubles and ailments arising through impure blood, to wit: indigestion, \* \* \* loss of physical power, \* \* \* anemia, \* \* \* and other ailments of both sexes \* \* \*," was false and fraudulent in that the same was applied to said article knowingly, and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for indigestion, loss of physical power, anemia, and all other ailments arising from impure blood, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On November 24, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of \$150 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*