

4824. Adulteration and misbranding of wine. U. S. v. Kelleys Island Wine Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5702. I. S. Nos. 2549-e, 4761-e.)

On December 19, 1914, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Kelleys Island Wine Co., a corporation, Kelleys Island, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 12, 1912, and January 30, 1913, from the State of Ohio into the State of Pennsylvania, of two different shipments of wine which, in each case, was adulterated and misbranded. The article in the first shipment was labeled: (On barrel) "Ohio Port Wine Kelleys Island Wine Co. Kelleys Island, Ohio Guaranteed under National Pure Food & Drugs Act June 30 1906."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed the following results, expressed in grams per 100 c. c. unless otherwise indicated:

Alcohol (per cent by volume)-----	11.60
Nonsugar solids-----	3.25
Reducing sugars as invert-----	16.01
Sucrose by copper-----	0.86
Polarization invert at 87° C. undiluted (°V.)-----	+10.4
Ash-----	0.297
Acid as tartaric-----	0.626
Volatile acid as acetic-----	0.194
Total tartaric acid-----	0.180
Free tartaric acid-----	None.
Cream of tartar-----	0.225
Tartaric acid to alkaline earths-----	None.
Chlorin-----	0.072

This product is an imitation of a port wine consisting in part or whole of a pomace wine made from grape pomace and cornstarch sugar.

The article in the second shipment was labeled: (One end of barrel) "52 A P. Parker Brown Co. Allegheny, Pa." (Other end) "52 K A Ohio Port Wine Kellys Island Wine Co. Kellys Island, Ohio Guaranteed under National Pure Food & Drugs Act, June 30, 1906."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results, expressed in grams per 100 c. c., unless otherwise indicated:

Alcohol (per cent by volume)-----	12.65
Nonsugar solids-----	3.20
Reducing sugars as invert-----	20.77
Sucrose by copper-----	1.07
Polarization invert at 87° C. undiluted (°V.)-----	+26.4
Ash-----	0.408
Acid as tartaric-----	0.469
Volatile acid as acetic-----	0.110
Total tartaric acid-----	0.177
Free tartaric acid-----	None.
Cream of tartar-----	0.222
Tartaric acid to alkaline earths-----	None.
Chlorin-----	0.139

Adulteration of the article in each shipment was alleged in the information for the reason that another substance, to wit, base wine prepared from pomace and starch sugar, had been substituted in part for Ohio port wine, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that the statement "Ohio Port Wine," borne on the barrels containing the article, was false and misleading, in that it purported and represented the article to be a wine of port type produced in Ohio, and for the further reason that the article was labeled and branded "Ohio Port Wine," so as to mislead and deceive the purchaser into the belief that it was a wine of port type produced in Ohio, whereas, in truth and in fact, it was not, but was a base wine prepared from pomace and starch sugar.

On April 17, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.