

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 711, FOOD AND DRUGS ACT.

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### MISBRANDING OF A FOOD PRODUCT—HOCHHEIMER WINE.

On or about October 13, 1909, the Empire State Wine Company, a corporation, Penn Yan, N. Y., shipped from the State of New York to the State of Massachusetts a quantity of a food product contained in glass bottles, labeled: "Hochheimer," in large letters, in the center of the label with the word "type" in small letters, placed beneath the word "Hochheimer", the said label bearing at the top thereof the design or representation of a crown, the case containing the said bottles being labeled "Hochheimer, 12 bottles". Samples of this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Empire State Wine Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of New York against the said Empire State Wine Company, charging the above shipment, and alleging that the product so shipped was misbranded in that it was labeled as above set forth, so as to deceive and mislead the purchaser, and purport to be a foreign product when not so, the name "Hochheimer" as applied to wine being a well-known trade name applied commonly and generally only to a certain brand of foreign-made wine, when in truth and in fact the product in question was a domestic product, having been manufactured within the State of New York.

On October 11, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 22, 1910.*

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