

3565. Misbranding of vodka. U. S. v. Herman Sinkowetsky and Moses Ludwak (Russian Transfer Monopole Co.). Plea of guilty. Fine, \$25. (F. & D. No. 5587. I. S. No. 37738-e.)

On June 19, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Sinkowetsky and Moses Ludwak, copartners, trading under the firm name and style of the Russian Transfer Monopole Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on August 16, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called vodka which was misbranded. The product was labeled: (Russian label, translated) "Government Pure (or rectified) Spirits (or alcohol) 1/40 vedro (or a certain Russian measure) Strength 57%. Price, Spirits 30 K., bottle 3 K., total 33 K." ("K" means "kopec," a Russian coin.) (Reverse Russian label, translated) "St. Petersburg Revenue Office. 12. 1912. Government Whiskey, Storehouse No. 1." (English label) "Monopole Vodka, Russian Transfer Monopole Co."

Investigation of the product by the Bureau of Chemistry of this department showed that it was manufactured in the United States of America.

Misbranding of the product was alleged in the information for the reason that the statements "Government Pure (or rectified) Spirits (or alcohol) 1/40 vedro * * * St. Petersburg Revenue Office. * * * Government Whiskey, Storehouse No. 1. Monopole Vodka, Russian Transfer Monopole Co.," borne on the label aforesaid regarding the article and the ingredients and substances therein contained, were false and misleading in that they purported and indicated that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, it was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled as aforesaid, thereby indicating that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, the said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product nor a product of Russia, but was a product of domestic manufacture.

On July 2, 1914, a plea of guilty was entered on behalf of the defendants, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*