

**3833. Adulteration and misbranding of assorted wines. U. S. * * *
v. 50 Cases of Assorted Wines. Consent decree of condemnation
and forfeiture. Product ordered released on bond. (F. & D. No.
6289. I. S. Nos. 971-k, 972-k, 2713-k. S. No. E-217.)**

On February 11, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of assorted wines, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by C. Vazzoler, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, carbonic acid gas, had been substituted in part for said food. Misbranding was alleged for the reason that said food upon the packages and labels thereof bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words: "P Ruitaillard and Cie" "Grand Mousseux Pierre Ruitaillard and Cie Reims" "Champagne Special" "Extra Spécial" "Fragile C. Vazzoler Special Moscato Fragile" "Vini Scelti Moscato Wine Qualita Superiore" "Moscato T B C Spumante" "Extra Special" "Fragile S. Vazzoler, Boston, Mass., Sparkling Nebiolo Fragile C. Vazzoler" "Sparkling Nebiolo French Italian Importing Co., New York"; and a representation of a crown of gold and cluster of grapes and leaves prominently printed and displayed thereon, to wit, upon said packages and labels, which said statements, designs, and devices were false and misleading because they would lead the purchaser to believe that said food was a fermented wine, to wit, a true champagne and the product of a foreign country, whereas, in truth and in fact, said food was not a fermented wine, the product of a foreign place, and was not a true champagne.

On March 10, 1915, Giuseppe Arnaboldi, agent for C. Vazzoler, claimant, having filed his claim praying that the product should be delivered to him, and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*