

for sale and sold under the distinctive name of another article, to wit, evaporated milk.

On July 23, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

E. D. BALL,

Acting Secretary of Agriculture.

7082. Adulteration of Malaga wine and adulteration and misbranding of cherry wine. U. S. * * * v. Morris Griffler. Plea of guilty. Fine, \$50. (F. & D. No. 9662. I. S. Nos. 3772-p, 3774-p.)

On July 18, 1919, 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 Morris Griffler, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 21, 1918, from the State of New York into the State of Maryland, of a quantity of an article, labeled in part "Malaga Wine," which was adulterated, and a quantity of an article labeled in part "Cherry Wine," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the Malaga wine to be a sour wine containing added glucose and artificially colored with a coal-tar dye, amaranth. The cherry wine was a product prepared from starch sugar and artificially colored with a coal-tar dye, amaranth, and contained little or no cherry wine.

Adulteration of the Malaga wine was alleged in the information for the reason that a substance, to wit, a partially soured product, artificially colored, had been substituted in whole or in part for Malaga wine, which the article purported to be, and for the further reason that it was a product inferior to Malaga wine, to wit, a mixture composed in whole or in part of a partially soured product artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of Malaga wine, and in a manner whereby its inferiority to Malaga wine was concealed.

Adulteration of the cherry wine was alleged for the reason that a product prepared in part from starch sugar, artificially colored and flavored, had been substituted in whole or in part for cherry wine, which the article purported to be, and for the further reason that it was a product inferior to cherry wine, to wit, a product prepared in part from starch sugar and artificially colored with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of cherry wine, and in a manner whereby its inferiority to cherry wine was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Cherry (in Hebraic) Wine," borne on the barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was cherry wine, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cherry wine, whereas, in truth and in fact, it was not, but was an artificially colored and flavored imitation product, to wit, a mixture prepared in part from starch sugar containing little or no cherry, and for the further reason that it was a product composed in part of starch sugar, artificially colored and flavored in imitation of cherry wine, and was offered for sale and sold under the distinctive name of another article, to wit, cherry wine.

On August 27, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

E. D. BALL,

Acting Secretary of Agriculture.