

The wine designated as "A Ohio Claret Medoc Type Wine" consisted of a fermented solution of commercial dextrose, artificially colored with a coal-tar dye, preserved with benzoic acid.

In the opinion of the Department of Agriculture, wine is the product made by the normal alcoholic fermentation of the juice of sound ripe grapes, and the usual cellar treatment, and contains not less than seven (7) nor more than sixteen (16) per cent of alcohol, by volume, and in one hundred (100) cubic centimeters (20° C.), not more than one-tenth (0.1) gram of sodium chlorid nor more than two-tenths (0.2) gram of potassium sulphate, and red wine is wine containing the red coloring matter of the skins of grapes.

The analyses of the foregoing products disclosed that they were not made from the juice of grapes and were artificially colored to imitate true wines, and, in the opinion of the Secretary of Agriculture, were not entitled to be branded "wine," and were therefore adulterated and misbranded within the meaning of sections 7 and 8 of the Food and Drugs Act of June 30, 1906.

Accordingly, on February 5, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the eastern district of Louisiana, who forthwith filed libels for seizure and condemnation of the aforesaid 1,298 barrels of wine, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 28, 1909.*

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(N. J. 84.)

#### **MISBRANDING OF BAKED BEANS AND TOMATO SAUCE.**

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 13th day of March, 1909, in the district court of the United States for the district of Indiana, in a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of a misbranded

article of food, that is to say, 42 cases of canned baked beans and tomato sauce labeled and branded as containing "4 dozen 1 lb." cans each, whereas, in fact, the average gross weight of each can was 14 ounces, the E. G. Dailey Company, a corporation of Detroit, Mich., consignor and claimant, having appeared and filed its answer admitting the allegations of the libel and the cause having come on for a hearing, the court rendered its decree of forfeiture and condemnation in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF INDIANA.

UNITED STATES	}	6879.
v.		
FORTY-TWO CASES OF CANNED BAKED BEANS AND Tomato Sauce, more or less.		

Now at this day comes the United States by Joseph B. Kealing, United States attorney for the district of Indiana, and E. G. Dailey Company, a corporation, by E. G. Dailey, its president, claimant and owner of the said forty-two cases of canned baked beans and tomato sauce, by Roemler and Chamberlain, their proctors, and this cause now coming on to be heard on the pleadings herein and after due deliberation being had in the premises, the court finds that all of the allegations contained in the libel are true and that the United States is entitled to recover herein.

It is therefore ordered, adjudged, and decreed that the said forty-two cases of canned baked beans and tomato sauce be condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the court that the costs in this case taxed at \$—— have been paid by the claimant and the claimants having filed a good and sufficient bond herein, to the effect that the said forty-two cases of canned baked beans and tomato sauce shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906,

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said forty-two cases of canned baked beans and tomato sauce and restore the same to the claimant herein.

The facts in the case were as follows:

On or about October 29, 1908, an inspector of the State board of health of Indiana, acting under authorization of the Secretary of the United States Department of Agriculture to Dr. H. E. Barnard, State food and drug commissioner of Indiana, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the A. Grafe Company, Terre Haute, Ind., 42 cases (each containing 48 cans) of canned baked beans and tomato sauce, labeled and branded, "4 dozen 1 lb. Baked Beans and Tomato Sauce, E. G. Dailey Company, Detroit, Michigan." The goods had been shipped to the A. Grafe Company by the E. G. Dailey Company from Detroit, Mich. A number of these cans were weighed by the inspector and the average gross weight was found to be 14 ounces. The goods were therefore misbranded within the meaning of section 8 of the act, and on October 29, 1908, the facts were reported to the United

States attorney for the district of Indiana, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 28, 1909.*

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(N. J. 85.)

### MISBRANDING OF CANNED TOMATOES.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on January 2, 1909, in the district court of the United States for the district of Indiana, in a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of misbranded canned tomatoes—that is to say, 34 cases of canned tomatoes labeled and branded as containing “2 dozen 3 lb.” cans each, whereas in fact the gross weight of each can was 8 ounces less than the weight declared in the label—the Sears & Nichols Company, a corporation of Chillicothe, Ohio, consignor and claimant, having appeared and filed its answer, admitting the allegations of the libel, and the cause having come on for a hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF INDIANA.

UNITED STATES

*vs.*

THIRTY-FOUR CASES OF CANNED TOMATOES, MORE OR LESS.

} 6880.

Now, at this day comes the United States, by Joseph B. Kealing, United States attorney for the district of Indiana, and Sears and Nichols Company, a corporation, by C. H. Sears, its secretary, claimant and owner of the said thirty-four cases of canned tomatoes, by Thomas A. Sims, their proctor, and this cause now coming on to be heard on the pleadings herein, and after due deliberation being had in the premises, the court finds that all of the allegations contained in the libel are true and that the United States is entitled to recover herein. It is therefore ordered, adjudged, and decreed that the said thirty-four cases of canned tomatoes are hereby condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the court that the costs in this case, taxed at \$—, have been paid by the claimant, and the claimants having filed a good and sufficient bond