

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 353, FOOD AND DRUGS ACT.

MISBRANDING OF WHISKEY.

On or about November 19, 1908, the Hannis Distilling Company, of Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Louisiana 20 barrels and 2 half barrels containing a product purporting to be whiskey and variously branded "Superior Monongahela Whiskey," "Elkmont Whiskey," "Angus Whiskey," and "Artemus Whiskey." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the Attorney-General.

In due course a libel was filed against the said 22 packages of whiskey, charging misbranding, in that the brands on the various barrels and half barrels were misleading and deceptive, because the contents of the said barrels and half barrels was not whiskey but a compound of whiskey and grain distillate. Thereupon Kohlmeyer, Jacobs and Hyams Company, Ltd., of New Orleans, La., entered an appearance and filed a claim to the product, and on December 11, 1908, the case came on for hearing, and the court rendered a decree of condemnation and forfeiture, and directed that the goods be released upon the payment of costs and the giving of a bond approved by the court, conditioned that the goods would not be disposed of contrary to the laws of the United States.

This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95, and 98, relative to the labeling of whiskey.

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., *May 17, 1910.*

