

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1348.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GRAPE JUICE.

On August 16, 1910, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Bass Islands Vineyards Co., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 29, 1909, from the State of Ohio into the State of Colorado of a quantity of grape juice which was misbranded. The product was shipped in bottles of two sizes, and labeled and branded as follows: "Bass Islands' Contents 12 ozs. Unfermented Grape Juice Guaranteed absolutely pure under the National Pure Food Law of 1906, and all other state and local Food laws in the United States. The Bass Islands' Vineyards Co., Sandusky, Ohio." Which said label was placed upon the bottles labeled and branded and claiming and purporting to contain 12 ounces of the product labeled as unfermented grape juice. The following label: "Star Grape Juice Unfermented Concord Contents 32 ozs. The Bass Islands' Vineyards, Sandusky, O. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 3682", was placed upon the bottles labeled and purporting to contain 32 ounces of grape juice.

Examination of samples of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: In sample labeled: "Contents 12 oz." (I. S. No. 11660-b), 12 bottles were measured each of which was found to contain less than 12 ounces. Of these, maximum net contents were found to be 11.3 ounces, minimum 10.7 ounces, average 10.99 ounces. In sample labeled: "Contents 32 oz." (I. S. No. 11662-b), 6 bottles were measured, each of which was found to contain less than 32 ounces. Of these, maximum net contents were found to be 31.8

ounces, minimum 30.9 ounces, average 31.2 ounces. Misbranding was alleged for the reason that the product was in package form, to wit, in bottles, and the contents thereof stated on the labels in terms of weight and measure, that is to say, as containing 12 ounces and 32 ounces, respectively, but were not correctly stated, since the bottles labeled as containing 12 ounces contained an average of only 10.99 ounces, and the bottles labeled as containing 32 ounces contained an average of only 31.2 ounces.

On December 3, 1911, the defendant pleaded nolo contendere and was fined \$25 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 5, 1912.*

1348

