

Issued October 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1701.

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

ADULTERATION AND MISBRANDING OF SO-CALLED LAUBENHEIMER WINE AND OF SO-CALLED SYRUP OF TAMARIND.

On July 31, 1911, the United States Attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Moses R. Stern, New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act—

(1) On or about July 12, 1910, from the State of New York into the State of Massachusetts of a consignment of a white wine purporting to be Laubenheimer wine, which was adulterated and misbranded. The product was labeled: "Laubenheimer", and there was also a picture of a German village on the label. Examination of a sample of the product by the Bureau of Chemistry of this Department showed that it had no characteristics, bouquet, or flavor of the Laubenheimer wine such as is produced in the Rhine districts of Germany. Adulteration was alleged in the information for the reason that a certain substance other than Laubenheimer wine, to wit, a domestic white wine, had been substituted wholly for said Laubenheimer wine. Misbranding was alleged for the reason that the product was labeled so as to mislead the purchaser or purchasers thereof in that the product was different from the description thereof on said label, bottle, and package, and in that the bottle, container, and label of the product bore statements, designs, and devices regarding it and the ingredients and substances contained therein which were false and misleading in that they stated that it was and it purported to be a foreign product, to wit, Laubenheimer wine, manufactured in Germany, whereas it was not such foreign product but was a white wine, manufactured and produced in the United States,

and also it was an imitation of and offered for sale under the distinctive name of another article, to wit, Laubenheimer wine, whereas it was not Laubenheimer wine, but was domestic white wine.

(2) On or about September 5, 1910, from the State of New York into the State of Missouri of a consignment of a preparation purporting to be syrup of tamarind which was adulterated and misbranded. The product was labeled: "M. R. S. Brand Syrup of Tamarind, guaranteed not to be adulterated or misbranded within the meaning of the National Pure Food Law. Serial No. 2386." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed it to be a mixture of sugar syrup, caramel, and tartaric acid, with very little, if any, syrup of tamarind. Adulteration was alleged in the information for the reason that certain substances, to wit, sugar syrup, caramel, and tartaric acid, had been substituted in part for syrup of tamarind. Misbranding was alleged for the reason that the product was labeled so as to mislead the purchaser or purchasers thereof in that said article was different from the description thereof on the label and in that the bottle, package, and label of the product bore statements regarding it and the ingredients and substances contained therein which were false and misleading in that they bore statements to the effect that the product was syrup of tamarind, whereas it was not but was a mixture of articles, among others, sugar syrup, caramel, and tartaric acid, and it was an imitation of and offered for sale under the distinctive name of another article, to wit, syrup of tamarind.

On October 4, 1911, the defendant entered a plea of guilty and the court imposed a fine of \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 2, 1912.*