

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1931.

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

MISBRANDING OF SO-CALLED CHAMPAGNE.

On September 12, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of five cases each containing 24 half bottles of so-called champagne and one case containing 12 half bottles, remaining unsold in the original unbroken packages and in possession of Samuel Epstein, St. Louis, Mo., alleging that the product had been shipped on or about August 14, 1911, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The five cases of the product were labeled: "Extra Dry M. Hommel M. H. Sandusky O. Half Bottles Serial No. 5903." The one case of the product was labeled: "Half Bottles Extra Dry Pints Serial No. 5903." The bottles containing the product were labeled: "Extra Dry Champagne Premier Cuvee;" "Sparkling Wine M Hommel's Sandusky, Ohio. Extra Dry Keep this Bottle laid down" "Trade Mark 47379 Reg. Oct. 31, 1906," and "Grand Prize awarded to Hommel's Champagne at the Louisiana Purchase Exposition, St. Louis, Mo. 1904," and the words "Extra Dry" were impressed on metal caps over the tops of said bottles.

Misbranding was alleged in the libel for the reason that the product was not champagne and did not have the characteristics of champagne such as produced in France; that the product was an inferior domestic white wine and was not entitled to be called champagne; that the statements contained on the labels, to wit, "Extra Dry Champagne," "Premier Cuvee," and "Grand Prize awarded to Hommel's Champagne at the Louisiana Purchase Exposition, St. Louis, Mo. 1904," were false and misleading, and would lead the purchaser thereof to believe that the product was of foreign origin and production, and that it was produced in France, and that it had the characteristics and quality of champagne, when in truth and in fact said product was

made and produced in the United States and did not have the characteristics and qualities of champagne, and the product was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, champagne.

On September 3, 1912, the M. Hommel Wine Co., claimant, Sandusky, Ohio, having withdrawn its answer and claim, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal and that the costs of the proceeding be taxed against said M. Hommel Wine Co.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 12, 1912.*

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