

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2404.

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

MISBRANDING OF SCUPPERNONG WINE.

On November 18, 1912, 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 seven cases, each containing 12 bottles of wine, remaining unsold in the original unbroken packages and in possession of the Frank Sittermann Wine & Liquor Co., St. Louis, Mo., alleging that the product had been shipped on or about March 28, 1912, from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ohio Scuppernong Wine 12 bottles." (On bottles) "Golden Eagle (Design of eagle) Ohio, Scuppernong Wine—The A. Schmidt, Jr., and Bros. Wine Co. Sandusky, Ohio."

Misbranding of the product was alleged in the libel for the reason that it consisted wholly or in large part of a mixture of pomace and other wines, and contained practically no scuppernong wine, and that the labels on the cases and bottles, to wit, "Scuppernong Wine", would deceive and mislead the purchaser into the belief that it was a scuppernong wine, whereas, in truth and in fact, it was a mixture of pomace and other wines.

On January 8, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*