

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2580.

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

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**U. S. v. Atlantic Coast Distilling Co. Plea of nolo contendere. Fine, \$25.**

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### ADULTERATION AND MISBRANDING OF WHISKY.

On October 1, 1912, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlantic Coast Distilling Co., Jacksonville, Fla., alleging shipment by said company, in violation of the Food and Drugs Act, on March 27, 1912, from the State of Florida into the State of Georgia, of a quantity of whisky which was adulterated and misbranded. The product was labeled: "Southern Whiskey, from Southern Distilling Company, Jacksonville, Fla.

\* \* \* Proof 50. Alcoholic strength 25%. Pure corn whiskey reduced in proof by the addition of distilled water only. Colored with pure burnt sugar. Contains a small percentage of capsicum which doctors regard as the best stomach stimulant known."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 24.7; solids (parts per 100,000 of 100 proof alcohol), 82.4; caramel, present; capsicum, present. Adulteration of the product was alleged in the information for the reason that it was mixed with capsicum in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Southern Whiskey," borne in large type on the label of the product, was false and misleading, in that it conveyed to the purchaser the impression that said product was genuine whisky, of standard strength, or not less than 80 proof, when, in truth and in fact, it was a raw corn whisky reduced to 50 proof, and containing capsicum. Misbranding was alleged for the further reason that the statement on the label thereof that the product was 50 proof and 25 per cent alcohol strength, and contained capsicum, in such an inconspicuous manner at the bottom of the label, tended to make said label misleading and deceptive to the purchaser. Misbranding was alleged for the fur-

ther reason that the product was branded so as to deceive and mislead the purchaser in that it was labeled in large type "Southern Whiskey" so as to mislead and deceive the purchaser into the belief that it was of standard strength or not less than 80 proof, whereas, in truth and in fact, it was only 50 proof whisky, containing capsicum, and only 24.7 per cent of alcohol.

On December 19, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 12, 1913.*

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