

Issued November 28, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2604.

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

U. S. v. Ten Barrels Scuppernong Wine. Decree of condemnation by default. Goods ordered sold.

ADULTERATION AND MISBRANDING OF WINE.

On November 6, 1912, the United States Attorney for the District of Indiana, 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 ten barrels containing 720 bottles of so-called scuppernong wine remaining unsold in the original unbroken packages and in the possession of Max Gordon, Indianapolis, Ind., alleging that the product had been shipped from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On barrels) "Special Scuppernong Boquet." (On bottles) main label "Special Wine. Belle of the Valley. Scuppernong Boquet. Delaware and Scuppernong Blend, ameliorated with Sugar Solution." (Neck label) "Guaranteed by the Sweet Valley Wine Company under the Food and Drugs Act June 30, 1906. Special."

Adulteration of the product was alleged in the libel for the reason that it purported to be a scuppernong wine, for which pomace wine and other wines had been substituted for scuppernong wine, and with which scuppernong wine had been mixed pomace and other wines so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statement on the brands and labels on the barrels and bottles as to the ingredients and substances contained in the product purporting to be scuppernong wine were false and misleading in this, that in truth and in fact said

product purporting to be scuppernong wine was a compound and mixture of pomace wine and other wines, and the statements contained on said brands and labels were calculated to deceive and mislead the purchaser thereof.

On February 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and on March 12, 1913, it was ordered by the court that the product should be sold by the United States marshal at public sale to the highest bidder after obliteration of the marks, brands, and labels on the product and a relabeling of same "A compound and mixture of pomace and other wines."

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 18, 1913.*

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