

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹

MAY, 1914.

SUPPLEMENT.²N. J. 3097–3241.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3097. Misbranding of brandy, Tsipouro "Pharos," and Mastich "Pharos." U. S. v. 10 Cases of Alleged Greek Liquors. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5214. S. No. 1797.)

On May 10, 1913, the United States Attorney for the Northern District of Illinois, 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 5 cases, each containing 1 dozen bottles of a product known as brandy; 2 cases, each containing 1 dozen bottles of Tsipouro "Pharos"; and 3 cases, each containing 1 dozen bottles of Mastich "Pharos," remaining unsold in the original unbroken packages and in possession of N. G. Matalas, Chicago, Ill., alleging that the product had been shipped on April 9, 1913, by Tsouchlos Oriental Distillery Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The brandy was labeled: (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Faros 307–309 E. 54th St., New York Brandy" (on bottles) "Oriental Brandy Extra fine From raisins The Tsouchlos Oriental Distillery Co. Direct importer of the Rude Materials from Athens We draw the particular attention of the consumer to that every product of our distillery is always labeled with our trade mark. Beware of imitations The brandy of The Tsouchlos Oriental Distillery Co. is the pure product of raisins and can be compared with the best brandies imported from Europe, especially with those from France. Every bottle must bear the

¹ In conformity with a uniform plan for the issuance of information, instructions, and notices of a regulatory nature by various branches of the department, as prescribed by the Acting Secretary of Agriculture in memorandum No. 57, dated December 26, 1913, this publication will be issued monthly by the Bureau of Chemistry. It covers approximately the month for which it is dated, and each month's issue is expected to appear during the succeeding month. Free distribution will be limited to firms, establishments, and journals especially concerned. Others desiring copies may obtain them from the Superintendent of Documents, Government Printing Office, Washington, D. C., at 5 cents each, or 50 cents a year.

² Owing to the large accumulation of Notices of Judgment now awaiting publication, the plan of issuing supplements to the Bureau of Chemistry Service and Regulatory Announcements has been adopted. Such supplements will be published in the future whenever it is necessary to issue an excessive number of Notices of Judgment.

signature of The Tsouchlos Oriental Distillery Co." (Greek characters—representations of coats of arms and medals of award.) The liquor called Tsipouro Pharos was labeled (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Pharos 307-309 E. 54th St. New York Ouzo" (on bottles) "Tsipouro Pharos It contains Anise Extra Extra Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co." (Greek characters—representations of coats of arms and medals of award). The liquor called Mastich Pharos was labeled (on cases) "Tsouchlos Oriental Distillery Co. Trade Mark Faros 307-309 E. 54th St. New York Mastic" (on bottles) "Mastich Pharos It contains Mastich and Anise. Extra Extra This bottle contains mastika, anniseed, with sugar and alcohol (Ethyl) to the amount of about 30%: and guaranteed by the manufacturer under the Food and Drugs Act of the United States known as Pure Food Law. Registration of trade mark applied for. Guaranteed by the Tsouchlos Oriental Distillery Company under the Food and Drugs Act, June 30, 1906. Serial No. 48921. Every bottle must bear the signature of The Tsouchlos Oriental Distillery Co. (Greek characters—representations of coats of arms and medals of award)."

Misbranding of the products was alleged in the libel for the reason that the statements upon the labels attached to each of the cases in which had been packed the bottles containing the articles of food aforesaid, and the statements, designs, and devices upon the labels aforesaid, attached to each of the bottles, were false and misleading in that the labels purported to state that the articles were foreign products manufactured in Greece, whereas, in truth and in fact, the articles called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America. Misbranding of the products was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles misled and deceived the purchaser into the belief that the articles were foreign products, manufactured in Greece, whereas, in truth and in fact, the articles, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America. Misbranding was alleged for the further reason that the statements, designs, and devices upon the labels attached to each of the bottles were false and misleading in that the labels purported to state that the articles of food contained in the bottles were foreign products, manufactured in Greece, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages called brandy, Tsipouro Pharos, and Mastich Pharos, respectively, were not manufactured in Greece, but were manufactured in the city of New York, in the State of New York, in the United States of America, and were imitations of the liquors or beverages known as Oriental brandy, Tsipouro Pharos, and Mastich Pharos, respectively, and were offered for sale under the distinctive names of other articles of food, to wit, Oriental brandy, Tsipouro Pharos, and Mastich Pharos, respectively.

On June 10, 1913, the said N. G. Matalas filed his answer, admitting all the material allegations of the libel, and the court, having read and considered the same and having heard the arguments of counsel and being fully advised in the premises, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

It appearing, however, that the product could be relabeled and re-marked and sold again not in violation of the law, it was further ordered that the product should be surrendered and delivered to said claimant upon payment of the costs of the proceedings, the execution of bond in the sum of \$250, in conformity with section 10 of the act, and the relabeling of the product.

It was ordered in the case of the brandy that there should be superimposed upon the label bearing the word "Oriental," and in prominent letters immediately above the word "Brandy," the following words—"Distilled in New York, N. Y., by Tsouchlos

Oriental Distillery Co." It was also ordered that the word "Athens," appearing on the label on said product, be obliterated. In the case of the Tsipouro Pharos it was ordered that immediately above the principal label on each of the bottles there should be placed a label in prominent type, bearing the following words—"Distilled in New York, N. Y., by Tsouchlos Oriental Distillery Co." In the case of the Mastich Pharos it was ordered that immediately above the principal label thereon the following words should be placed in prominent type—"Distilled in New York N. Y., by Tsouchlos Oriental Distillery Co."

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

WASHINGTON, D. C., *April 14, 1914.*

3098. Adulteration of bran. U. S. v. 590 Sacks of Bran. Judgment of condemnation. Product released on bond. (F. & D. No. 5215. S. No. 1803.)

On May 10, 1913, the United States Attorney for the District of Maryland, 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 590 sacks of bran, remaining unsold in the original unbroken packages and in possession of the Baltimore & Ohio Railroad, at Baltimore, Md., alleging that the product had been shipped from the State of West Virginia into the State of Maryland and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "100 lbs. pure wheat bran—Analysis: Crude Protein 14% to 17%—Crude fat 3% to 5%—Manufactured by B. A. Eckhart Milling Company, Chicago, Ill."

It was alleged in the libel that the product was adulterated because of added screenings, which had been mixed and packed with and substituted for pure wheat bran so as to reduce or lower or injuriously affect the quality or strength of the product.

On May 28, 1913, G. A. Hax & Co., Baltimore, Md., the claimants, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product should be destroyed by the United States marshal. It was provided, however, that the product should be delivered to said claimants, if on or before June 9, 1913, they shall have paid all the costs of the proceedings and executed bond in the sum of \$1,000, in conformity with section 10 of the act. It was further ordered that the word "Pure" should be eliminated from the label on the product before it should be sold or disposed of at all.

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

WASHINGTON, D. C., *April 14, 1914.*

3099. Adulteration and misbranding of vinegar. U. S. v. 100 Cases of Vinegar. Product released on bond by order of court. (F. & D. No. 5216. S. No. 1804.)

On May 10, 1913, the United States Attorney for the Eastern District of Arkansas, 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 100 cases of so-called vinegar, remaining unsold in the original unbroken packages, alleging that the product had been shipped from the State of Tennessee to the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "2 Doz. No. 24—Circle—D—Pure Cane Sugar Vinegar—Dawson Bros. Mfg. Co., Memphis, Tenn." Retail bottles were labeled: "Trade Mark Circle D Brand—Cane Sugar Sterilized and Filtered Vinegar—Reduced to legal strength. Weight 1 lb. 10 oz., or more. Bottled by Dawson Bros. Mfg. Co., Memphis, Tenn."

Adulteration of the product was alleged in the libel for the reason that it was labeled as set forth above, whereas an analysis showed that it was not sugar vinegar, as stated on the label and brand, but consisted wholly or in part of distilled vinegar or dilute acetic acid, which had been substituted for and mixed and packed with sugar vinegar so as to reduce or lower or injuriously affect its quality or strength, whereby it was adulterated. Misbranding was alleged for the reason that the product was labeled as