

3162. Adulteration and misbranding of wine. U.-S. v. 3 Barrels of Wine.
Default decree of condemnation, forfeiture, and destruction. (F. & D.
No. 5303. S. No. 1897.)

On August 14, 1913, 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 3 barrels of wine, each containing 50 gallons of wine, remaining unsold in the original unbroken packages and in possession of J. Simon and Son, St. Louis, Mo., alleging that the product had been transported from the State of Ohio into the State of Missouri on or about July 19, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Scuppernong Type Wine Ohio Product J. Simon and Son St. Louis, Mo. 9190 Vandalia East St. Louis 23."

Adulteration of the product was alleged in the libel for the reason that it was not Scuppernong wine, as the label stated and indicated, but, on the contrary thereof, a substance consisting wholly or in part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a certain substance consisting wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine had been substituted wholly or in part for Scuppernong wine. Misbranding was alleged for the reason that the product consisted wholly or in large part of a mixture or base of wines which had been sweetened, flavored, and mixed in imitation of Scuppernong wine and contained practically no Scuppernong wine; and, further, in that said product was an imitation of and offered for sale under the distinctive name of another article, to wit, Scuppernong wine; and further, in that the labels on the barrels, to wit, "Scuppernong Type Wine," would deceive and mislead the purchaser thereof into the belief that the product was Scuppernong wine, whereas, in truth and in fact, it was not Scuppernong wine but was a mixture of other wines; and, further, in that said labels on the barrels, to wit, "Scuppernong Type Wine," were descriptive of the substance contained in the barrels and were false and misleading, in that said product was not Scuppernong wine.

On October 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding, among other things, that the product had been shipped in interstate commerce by the A. Schmidt, Jr., & Bros. Wine Co., Sandusky, Ohio. Destruction of the product was ordered by the court.

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

WASHINGTON, D. C., May 6, 1914.

3163. Misbranding of wine. U. S. v. 66 Bottles, More or Less, of Wine.
Default decree of condemnation and forfeiture. Product ordered
sold. (F. & D. No. 5304. S. No. 1903.)

On August 14, 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 66 bottles, more or less, of so-called "Extra Dry Champion," packed in 2 barrels, remaining unsold in the original unbroken packages and upon the premises of Marco Bros., Chicago, Ill., alleging that the product had been shipped on June 30, 1913, by The Nectar 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 product was labeled: "Extra Dry Champion. Guaranteed by us to meet the requirements of