

A carbonated white wine of domestic origin; not a sauterne type and not extra dry.

Adulteration of the product was alleged in the information for the reason that a domestic white wine, artificially carbonated and not extra dry, had been substituted wholly for genuine sauterne wine, and for the further reason that a domestic white wine, artificially carbonated and not extra dry, had been substituted in part for genuine sauterne wine. Misbranding was alleged in the information for the reason that in each consignment the cases, drums, and bottles containing the article of food bore a label in words and figures as follows, to wit: (On cases and drums) "Sauterne Extra Dry 50  $\frac{1}{4}$  bottles Sparkling Wine Extra Dry." (On bottles) "Sparkling Carbonated Wine Extra Dry Sauterne Type Herman Toser Company, Milwaukee, Wis. Extra T. N. Dry," which said statement appearing on the label on each of the bottles, drums, and cases was false and misleading in that the statement "Sparkling Wine" and "Extra Dry Sauterne" represented to the purchaser that the article of food aforesaid was genuine sauterne wine, whereas, in truth and in fact, the article of food aforesaid was not a genuine sauterne wine, but a domestic white wine, artificially carbonated and not extra dry; and for the further reason that said statement appearing on the labels misled and deceived the purchaser in that the statement "Sparkling Wine" and "Extra Dry Sauterne" represented to the purchaser that the article of food aforesaid was genuine sauterne wine, whereas, in truth and in fact, it was not a genuine sauterne wine, but a domestic white wine, artificially carbonated and not extra dry.

On May 9, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3435. Adulteration and misbranding of wine. U. S. v. Theodore Netter (Teonet & Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5165. I. S. No. 37205-e.)**

On May 2, 1914, 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 an information against Theodore Netter, doing business as Teonet & Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on May 13, 1912, from the State of Illinois into the State of Wisconsin, of a quantity of wine which was adulterated and misbranded.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was a carbonated wine of domestic origin, not extra dry.

Adulteration of the product was alleged in the information for the reason that an artificially carbonated wine, not extra dry, had been substituted wholly for genuine extra dry sparkling wine; and for the further reason that an artificially carbonated wine, not extra dry, had been substituted in part for genuine extra dry sparkling wine. Misbranding was alleged for the reason that each of the bottles containing the article of food, and each of the cases bore a label in words and figures as follows, to wit: (On shipping case) "White Pearl Extra Dry 50  $\frac{1}{4}$  bottles Sparkling Wines Extra Dry." (On bottles) "Extra T. N. Dry. Extra Dry Sparkling Wine Serial No. 16477 White Pearl Teonet & Co., Chicago," which said statement appearing on the label on each of the bottles and cases was false and misleading in that the statement "Extra

Dry Sparkling Wine" represented to the purchaser that the article of food aforesaid was genuine extra dry sparkling wine, whereas, in truth and in fact, each of the bottles did not contain genuine extra dry sparkling wine, but contained an artificially carbonated wine, not extra dry; and for the further reason that said statement appearing on the label on each of the bottles and cases misled and deceived the purchaser, in that the statement "Extra Dry Sparkling Wine" represented to the purchaser that the article of food aforesaid was genuine extra dry sparkling wine, whereas, in truth and in fact, each of the bottles aforesaid did not contain genuine extra dry sparkling wine, but contained an artificially carbonated wine, not extra dry.

On May 9, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., September 24, 1914.

**3436. Adulteration and misbranding of beer. U. S. v. Obermeyer & Liebmann. Plea of guilty to counts 1, 2, and 3 of information. Fine, \$25. Counts 4 and 5 nolle prossed. (F. & D. No. 5173. I. S. No. 1154-e.)**

On January 20, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in five counts against Obermeyer & Liebmann, a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on October 14, 1912, from the State of New York into the State of Connecticut, of a quantity of beer which was adulterated and misbranded. The product was labeled "Pilsener Style Beer Registered Trade Mark Brewed from choice Malt and fine Hops By Obermeyer & Liebmann Bottled at the Brewery. New York City." (Neck label) "Obermeyer & Liebmann."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume) .....	4.50
Extract (per cent) .....	5.62
Extract, original wort (per cent) .....	12.82
Degree fermentation .....	56.16
Volatile acid, as acetic (grams per 100 cc) .....	0.014
Total acid, as lactic (grams per 100 cc) .....	0.189
Maltose (per cent) .....	1.88
Dextrin (per cent) .....	2.69
Ash (per cent) .....	0.158
Protein (per cent) .....	0.352
P <sub>2</sub> O <sub>5</sub> (per cent) .....	0.043
Undetermined (per cent) .....	0.54
Polarization (°V.) .....	+41
Color (degrees, 1/4-inch cell, Lovibond) .....	3

Adulteration of the product was alleged in the first count of the information for the reason that a beer made from barley malt, hops, and some other cereal or cereal product, had been substituted for a beer made exclusively from barley malt and hops which the article purported to be. Misbranding was alleged in the second count of the information for the reason that the statement "Brewed from choice Malt and fine Hops," borne on the label, was false and misleading in that it conveyed the impression that the product aforesaid had been brewed exclusively from barley malt and hops, whereas, in truth and in fact, the said