

3699. Adulteration and misbranding of so-called liquors. U. S. v. 2 Cases of Liquors. Default decree of condemnation and forfeiture. Product labeled "Sambuca," etc., ordered destroyed. Product labeled "Stella," etc., ordered sold by the United States marshal. (F. & D. No. 5876. I. S. Nos. 9469-h, 9470-h. S. No. E-93.)

On August 24, 1914, the United States attorney for the District of New Jersey, 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 2 cases, each containing 12 bottles of so-called liquor, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about July 25, 1914, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. One of the cases was labeled: "Sambuca. Milan Importing Co. M. Petillo, 40 Stone St., Newark, N. J. American Express Co., New York. Route 18. No. 331 to 3." The bottles in this case were labeled: (Neck label) "Milan Importing Co." (Shoulder label) "Purity Guaranteed by Milan Importing Co. Under the Pure Food and Drugs Act, June 30th, 1906, Serial No. 58417. Made in New York." (Main label) "Sambuca Extra Fina. Panorama di Napoli (design of bay and volcano, medals of award, and coat of arms) Milan Importing Co., New York. Sambuca Extra Fina."

Adulteration of this product was alleged in the libel for the reason that a substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that a substance, to wit, methyl alcohol, had been substituted wholly or in part for ethyl alcohol; and for the further reason that the product contained a deleterious ingredient, to wit, methyl alcohol, which might render the same injurious to health. Misbranding of this product was alleged for the reason that the labels on the bottles containing the same were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

The other case of liquor was labeled: "Stella. Milan Importing Co. M. Petillo, 40 Stone St., Newark, N. J. American Express Co., New York 332." Each of the bottles of this case was labeled: (Neck label) "Marco di Fabrica Depositata (design of coat of arms)." (Small label above main label) "Marca di Fabrica Depositata (design coat of arms and medals of award)." (Main label) "Gran Liquore Della Stella (design of medals of award and coat of arms) Specialita Italiana." (Blown in bottle) "Ditta G. Alberti, Benevento."

Misbranding of the product in this case was alleged in the libel for the reason that the labels on the bottles containing the same were so constructed as to convey the impression that the product was of foreign origin, which was false and misleading.

On December 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the case of liquor labeled "Sambuca," etc., should be destroyed, and that the case of liquor labeled "Stella," etc., should be sold by the United States marshal.

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

WASHINGTON, D. C., *March 26, 1915.*