

5037. Adulteration and misbranding of wine. U. S. * * * v. Cosimo Catalano. Plea of nolo contendere. Fine, \$20 and costs. (F. & D. No. 6851. I. S. Nos. 17933-h, 17935-h, 17936-h, 17938-h.)

On February 18, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cosimo Catalano, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 3, 1914, and March 26, 1914 (3 shipments), from the State of Ohio into the State of New York, of quantities of an article invoiced as "Wine," which was adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

	No. 1.	No. 2.	No. 3.	No. 4.
Solids (by drying) (grams per 100 cc)	2.62	2.75	2.72	1.82
Alcohol (per cent by volume)	7.10	8.24	9.50	10.90
Nonsugar solids (grams per 100 cc)	2.26	2.55	2.33	1.60
Acid as tartaric (grams per 100 cc)	0.80	0.80	0.78	0.58
Fixed acids as tartaric (grams per 100 cc)	0.61	0.59	0.57	0.46
Total tartaric acid (grams per 100 cc)	0.29	0.27	0.25	0.23
Free tartaric acid (grams per 100 cc)	None.	None.	None.	None.
Cream of tartar (grams per 100 cc)	0.06	0.07	0.06	0.04
Tartaric acid to alkaline earths (grams per 100 cc)	0.24	0.22	0.21	0.20
Ash (grams per 100 cc)	0.29	0.30	0.28	0.26
Alkalinity soluble ash (cc. N/10 acid per 100 cc)	3.0	3.80	3.0	2.5
Alkalinity insoluble ash (cc. N/10 acid per 100 cc)	19.0	19.0	18.0	15.20
Coal-tar color.....	None.	Amaranth.	Amaranth.	None.

Sample No. 1. An inferior product, probable second pressing or pomace wine.

Sample No. 2. An inferior product, artificially colored, probably second pressing or pomace wine.

Sample No. 3. An inferior product, artificially colored, probably second pressing or pomace wine.

Sample No. 4. An inferior product, probable second pressing or pomace wine.

Adulteration of the article in the shipment of April 3, 1914, and of one of the shipments of March 26, 1914, was alleged in the information for the reason that an imitation wine had been substituted, wholly or in part, for wine, which the article purported to be. Adulteration of the wine in the other two shipments of March 26, 1914, was alleged for the reason that an imitation wine had been substituted, wholly or in part, for wine, which the article purported to be; and for the further reason that the product was an inferior article, to wit, an imitation wine, and had been colored in a manner whereby its inferiority was concealed.

Misbranding of the article in each shipment was alleged for the reason that it was an imitation wine, and was offered for sale under the distinctive name of another article, to wit, wine.

On January 31, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*