

5050. Adulteration and misbranding of fernet-branca. U. S. * * *
v. Alba Wine Co., a corporation. Plea of guilty. Fine, \$25.
(F. & D. No. 7055. I. S. No. 26503-h.)

On July 14, 1916, 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 against the Alba Wine Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 24, 1914, from the State of New York into the State of Connecticut of a quantity of fernet-branca, which was adulterated and misbranded. The article was labeled in part: (Main label) "Fernet-Branca Dei Fratelli Branca E Comp."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it was not genuine fernet-branca bitters.

Adulteration of the article was alleged in the information for the reason that an imitation product of domestic manufacture had been substituted wholly for genuine fernet-branca, a product of Italy, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Fernet-Branca dei Fratelli E Comp. Milano, Via Broletto N. 35, vinno alla Chiesardi" and "Fernet-Branca Fili Branca-Milan * * * Sole Importers for the United States," borne on the labels, regarding the article and the ingredients and substance contained therein, were false and misleading, in that they indicated that it was a foreign product, to wit, fernet-branca, manufactured in the Kingdom of Italy; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was genuine fernet-branca manufactured in the Kingdom of Italy, whereas, in truth and in fact, it was not, but was a product of domestic origin, to wit, an imitation fernet-branca, manufactured in the United States of America. Misbranding was alleged for the further reason that the article was a product of domestic origin, to wit, an imitation fernet-branca manufactured in the United States of America, and was offered for sale under the distinctive name of another article, to wit, genuine fernet-branca manufactured in the Kingdom of Italy; and for the further reason that the statements aforesaid, together with certain designs and devices, borne on the labels thereof, and the shape and style of the bottle, purported that said article was a foreign product—to wit, genuine fernet-branca manufactured by Branca Brothers & Co., at Milan, in the Kingdom of Italy—whereas, in truth and in fact, it was not, but was a product of domestic origin, to wit, an imitation fernet-branca manufactured in the United States of America.

On November 20, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*