

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 349, FOOD AND DRUGS ACT.

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### MISBRANDING OF WHISKEY.

On or about December 16, 1908, H. A. Thierman & Company, Louisville, Ky., shipped from the State of Kentucky to the State of Indiana 5 barrels of whiskey. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana.

In due course a libel was filed against the said 5 barrels of whiskey, charging misbranding, in that each of said barrels was labeled "Prairie Flower Whiskey," which statement was false and misleading, because it represented the product to be straight whiskey, whereas in fact the substance contained in the said five barrels was a rectified product combined with grain distillates. In response to this libel, H. A. Thierman & Company entered an appearance, filed its answer, and set up its claim to the goods, and on December 23, 1908, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released upon payment of the costs and the filing of a bond to be approved by the court conditioned that the said product should not be sold or disposed of contrary to the laws of the United States.

This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95, and 98, relative to the labeling of whiskey.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 17, 1910.*

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