

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 361, FOOD AND DRUGS ACT.

### MISBRANDING OF WHISKEY.

On or about December 15, 1908, Davis & Atkins, of Richmond, Va., shipped from the State of Virginia to the State of Louisiana 11 barrels of whiskey. Analysis of samples of this product made in 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 shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the Attorney-General.

In due course a libel was filed against the said 11 barrels of whiskey in the District Court of the United States for the Eastern District of Louisiana, charging misbranding of the product within the meaning of the act, in that five of the barrels of same were labeled "Feahney's Chief Celebrated Old Whiskey, New Orleans;" two barrels were labeled "Feahney's AAAA Whiskey, P. S., New Orleans;" and four barrels labeled "Original J. Martin Whiskey," which labels were false and misleading because they represented the product to be whiskey, whereas in fact it was a rectified article, compounded with grain distillate, and was not straight whiskey, and praying seizure, condemnation, and forfeiture. To this libel the estate of Charles Feahney, New Orleans, La., entered its appearance through F. J. Mangham, its manager, and set up its claim to the product, and the case coming on for final hearing, the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to the claimant upon the payment of costs and upon giving a bond, to be approved by the court, conditioned that the product would not be disposed of contrary to the laws of the United States.

This case was reported for prosecution and decree rendered prior to the date of issuance of Food Inspection Decision No. 113, relative to the proper labeling of whiskey, which revoked Food Inspection Decisions Nos. 45, 65, 95, and 98.

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 19, 1910.*

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