

United States Department of Agriculture,

OFFICE OF THE SECRETARY

NOTICE OF JUDGMENT NO. 461, FOOD AND DRUGS ACT.

MISBRANDING OF VERMOUTH.

On or about June 26, 1909, Samuel J. Bloomingdale, Hiram Bloomingdale, and Irving I. Bloomingdale, doing business under the firm name and style of Bloomingdale Brothers, New York City, shipped from the State of New York to the State of New Jersey a consignment of a certain drug product labeled: "Vermouth Excelsior M. van Doorninck Mahler & Cie Bordeaux, M. B. & Cie." Samples from this shipment were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Bloomingdale Brothers, and the dealer from whom the product was purchased, opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against said Bloomingdale Brothers charging the above shipment and alleging that the product was misbranded within the meaning of the act, in that the bottle in which said product was shipped as aforesaid failed to bear a statement on its label of the quantity or proportion of alcohol contained therein, when as a matter of fact said product contained more than 16 per cent of alcohol; and in that the statements above set forth regarding the contents of said bottle, to wit, that said product "would strengthen the mind," "increase the organic energy," and "was a safe preventive of fever and cholera" were all false and misleading.

On May 23, 1910, the defendants entered a plea of guilty to the information and the court imposed a fine of \$100.

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., *June 25, 1910.*

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