

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 824, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PORT WINE.

On or about October 11, 1909, the Independent Distilling Company, a corporation, Kansas City, Mo., shipped from the State of Missouri into the State of Kansas a quantity of a food product labeled: "Port Wine Type Guaranteed under the National Pure food law * * * The Independent Distilling Company, Kansas City, U. S. A." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be an imitation port wine, containing commercial glucose and benzoate of soda, not declared upon the label. As the findings of the analyst and the report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Independent Distilling Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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.

On August 16, 1910, a criminal information was filed in the District Court of the United States for the Western District of Missouri against the said Independent Distilling Company, charging the above shipment and alleging that the product so shipped was adulterated in that glucose and benzoate of soda had been mixed and packed with the product so as to make the same an imitation of port wine, and that said bottles of liquid labeled: "Port Wine Type" had been mixed and colored in a manner whereby the same was made to deceive and mislead the purchaser and whereby damage and inferiority of said liquids were concealed; and alleging the product to be misbranded in that it was labeled as above set forth, when, in truth and in fact, the product was an imitation of port wine offered for sale under the distinctive name of another article, to wit, port wine, another and different article than the product shipped as above set forth; and that the said labels were such as to deceive the purchaser thereof.

On November 9, 1910, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 25, 1911.*

