

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1226.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CHAMPAGNE.

On June 23, 1911, the United States Attorney for the Southern District of Ohio, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 50 cases of champagne in the possession of M. C. Dow. The product was labeled: "Blood of the Grape (Design—Bunch of Grapes)," and "Blood of (Design—Bunch of Grapes) the Grape—Unfermented Champagne—Non-Intoxicating—Wilson Fruit Juice Co., Lawton, Mich.," and on sticker on back of bottle: "Blood of the Grape Champagne—Complies with any State Pure Food Law and with the National Pure Food Law of June 30, 1906. We guarantee every bottle. No change of labels on goods now in dealer's hands. We have filed our General Guarantee with the Secretary of Agriculture. Serial No. 1209. Wilson Fruit Juice Co., Lawton, Mich."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

	Grams per 100 cc.
Specific gravity 15.6° C./15.6° C.....	1.0506
Alcohol (per cent by volume).....	None.
Extract solids.....	13.10
Reducing sugar, invert, before inversion.....	11.10
Reducing sugar, invert, after inversion.....	12.16
Polarization direct, temperature 27° C.....	13.6
Polarization invert, temperature 27° C.....	14.0
Polarization invert, temperature 87° C.....	0.0
Ash, total.....	.0748
Ash, soluble in water.....	.0668
Ash, insoluble in water.....	.008
Alkalinity of soluble ash (cc N/10 acid 100 cc).....	6.0
Alkalinity of insoluble ash (cc N/10 acid 100 cc).....	2.8
Acid, as acetic, total.....	.228
Volatile acid, as acetic.....	.07
P ₂ O ₅ , soluble (mg).....	3.7

Preservatives:

Benzoic..... Negative.

Salicylic..... Negative.

Color: Caramel..... Present.

Practically all color removed by fuller's earth.

The libel alleged that the product, after shipment by the Wilson Fruit Juice Co., Lawton, Mich., from the State of Michigan into the State of Ohio, remained in the original unbroken packages and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was, therefore, liable to seizure for confiscation. Adulteration was alleged against the said product because it was not the pure juice of the grape, but a distilled grape juice, sweetened and artificially colored. Misbranding was alleged for the reason that said product was represented on the label as "Blood of the Grape Unfermented Champagne," when, in fact, it was not pure grape juice nor champagne of any type, and said representation was, therefore, false and misleading. Misbranding was further alleged for the reason that said product was an imitation of and sold under the distinctive name of another article, to wit, champagne, and was labeled so as to deceive and mislead the purchaser.

On September 16, 1911, it appearing to the court that the Wilson Fruit Juice Co. had intervened as claimants and owners of said property and filed answer admitting the facts alleged in the libel and consenting to a decree of condemnation, the court entered a decree holding the product to be adulterated and misbranded, as alleged in the libel, and condemning and forfeiting the same to the United States and ordering the labels of said product to be removed and the same sold by the marshal, either publicly or privately, as in his discretion may best serve the public interest; but with a proviso that, upon the payment of all costs and the filing of a bond in the sum of \$500 by claimants conditioned that said property should not again be sold contrary to law, the same be released to them.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 1, 1911.*

