

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1937.

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

MISBRANDING OF WHISKEY.

On March 11, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of two barrels of whiskey remaining unsold in the original unbroken packages and in possession of the Merchants & Miners Transportation Co., at its docks, Savannah, Ga., alleging that the product had been shipped on March 8, 1911, by the D. L. Arey Distilling Co., Baltimore, Md., and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each barrel was labeled: (On Government end) "Rectifier's stamp number 1522714 and 15 (respectively) March 7, 1911. Proof 90. Guaranteed under Food and Drugs Act, June 30, 1906." (On commercial end) "Pride of North Carolina Corn Whiskey—The D. L. Arey Distilling Co., Pride of North Carolina Corn Whiskey—Manufactured by The D. L. Arey Distilling Co." Label originally bore, in addition to the above, the statement "Guaranteed five years old—Salisbury, N. C.," and in center of label was design representing a moonshine still.

Misbranding of the product was alleged in the libel for the reason that the labels thereon bore a statement regarding the product which was false and misleading as to the State in which said whiskey was manufactured and produced, that is to say, the statement, to wit, "Pride of North Carolina" was a misbranding of said whiskey in that the whiskey actually used in the manufacture of the product consisted of 50 per cent new corn whiskey and 50 per cent corn whiskey of older grade, all of said whiskey so actually used being procured from Distillery No. 10, District of Maryland, in the State of Maryland, known as Cecil Distillery, owned by the Wineke Bauern-Schmidt Co., Baltimore, Md., and said whiskey was not manufactured or produced in the State of North Carolina.

On February 14, 1912, the said D. L. Arey Distilling Co., claimant, having admitted the allegations of the libel, and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$750, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 13, 1912.*

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