

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2252.

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

MISBRANDING OF VODKA.

On September 3, 1912, the United States Attorney for the Northern District of Illinois, 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 25 cases, each containing 20 bottles of vodka, remaining unsold in the original unbroken packages, 4 cases of which were in possession of Levin & Cohen, 701 Maxwell Street; 8 cases in possession of L. Helfenberg, 1236 South Jefferson Street; 5 cases in possession of Joe Arkin, 811 Maxwell Street; and 8 cases in possession of Barney Rubin, 569 West Twelfth Street, all in Chicago, Ill., alleging that the product had been shipped on August 19, 1912, by S. Shulman, Brooklyn, N. Y., and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in Russian, and also bore the following label in English: "Monopole Vodka Made and Bottled in Russian Monopole." Russian coat of arms was on wax seals of bottles.

Misbranding of the product was alleged in the libel for the reason that it was labeled as aforesaid, and the statements upon the labels were false and misleading in that they purported to state that the product was a foreign product manufactured in Russia, whereas, in truth and in fact, it was not manufactured in Russia, but was manufactured in the city of Brooklyn, N. Y., U. S. A. Misbranding was alleged for the further reason that the labels aforesaid were false and misleading in that they bore statements, designs, or devices regarding the product which gave it the appearance of and purported to state that it was a foreign product manufactured in Russia,

whereas, in truth and in fact, it was not manufactured in Russia, but was manufactured in the city of Brooklyn, N. Y., U. S. A., and said product was an imitation of the liquor or beverage known as vodka, and was offered for sale under the distinctive name of another article, to wit, the article of food, liquor, or beverage known as vodka.

On November 14, 1912, the Russian Monopole Co., a corporation, Brooklyn, N. Y., claimant, having admitted all the allegations in 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 proceeding and the execution of bond in the sum of \$500, in conformity with section 10 of the Act.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 25, 1913.*

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