

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2643.

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

U. S. v. 20 Barrels Malaga Type Wine. Product released on bond.

ADULTERATION AND MISBRANDING OF MALAGA TYPE WINE.

On March 20, 1913, the United States Attorney for the Eastern District of Pennsylvania, 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 20 barrels of so-called Malaga type wine remaining unsold in the original unbroken packages and at premises located on the northeast corner of Fourth and Monroe Streets, Philadelphia, Pa., alleging that the product had been shipped on March 4, 1913, from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in Hebraic characters, which being translated read substantially as follows: "Wine Malaga Type—Kosher Passover". The English word "type" also appeared upon the barrels.

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, imitation Malaga type wine, had been mixed with it so as to reduce, lower, and injuriously affect its quality and strength, and further in that the product had been artificially colored in a manner whereby inferiority was concealed, and further in that it consisted of a decomposed vegetable substance. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, being labeled among other things, "Wine, Malaga Type", which said label and brand was calculated and intended to lead the purchaser thereof to believe that it was a Malaga type wine, whereas, in truth and in fact, it was not Malaga type wine, but was an imitation of Malaga type wine. Misbranding was alleged for the further reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, Malaga type wine, and further in that the

package containing the product bore a certain statement which was false and misleading, to wit, the statement "Wine Malaga Type," which said statement was false and misleading in that the product was not Malaga type wine, but was an imitation of Malaga type wine.

On March 28, 1913, the case having come on for hearing, the court ordered that the product should be released to Abraham Margulis, claimant, upon the execution of bond in the sum of \$500, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 26, 1913.*

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