

From this analysis it was found that this wine was artificially prepared to resemble Scuppernong wine.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture containing sugar, water, flavor, and the juice of grapes other than Scuppernong had been substituted wholly or in part for the article (Scuppernong wine). Misbranding of the product was alleged for the reason that the statement "Select Scuppernong Wine," borne on the label of the bottle in which it was offered for sale, was false and misleading, in that, as a matter of fact, the contents of the bottle was not Scuppernong wine but an imitation Scuppernong wine, prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong, and for the further reason that it was an imitation of Scuppernong wine and was offered for sale under the name of Scuppernong wine. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Select Scuppernong Wine," whereas, in truth and in fact, it was not Scuppernong wine, but was an imitation Scuppernong wine prepared in whole or in part from sugar, water, flavor, and the juice of grapes other than Scuppernong.

On January 10, 1914, the defendant company entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3300. Misbranding of vodka. U. S. v. Haiman Horowitz et al. (Russian Monopol Co.). Plea of guilty. Three defendants sentenced to pay a fine of \$100 each. Indictment nol-prossed as to two defendants. (F. & D. Nos. 4476, 4582. S. Nos. 1494, 1529.)

At the September, 1912, term of the District Court of the United States for the Eastern District of New York the grand jurors of the United States, within and for the district aforesaid, returned an indictment against Haiman Horowitz, Leon Katz, Isidore Cuba, Sam Shulman, and Isaac Shulman, the said name Isaac being fictitious, true first name being unknown to the grand jurors aforesaid, each of said defendants of Brooklyn, N. Y., charging that said defendants on August 1, 1912, at the Borough of Brooklyn, N. Y., did knowingly, willfully, unlawfully, wickedly, and corruptly conspire, combine, confederate, and agree together and with divers other persons to the grand jurors aforesaid unknown to commit an offense against the United States in and by the violation of the Act of Congress approved June 30, 1906, commonly called the Food and Drugs Act, that is to say, in and by engaging in the business conducted in and under the name of the Russian Monopol Co. and in and by unlawfully inducing and assisting in the introduction into various States of the United States from the State of New York articles of food misbranded within the meaning of said act of Congress approved June 30, 1906, and in and by shipping and delivering and assisting in the shipment and delivering and procuring such shipment and delivery from the State of New York to the State of Pennsylvania and other States such misbranded articles of food. It was further charged in the indictment that the article of food was misbranded in that the labels on the bottles, packages, and receptacles containing said article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and in that said article of food was falsely branded and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article,

and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when it was not a foreign product. It was further charged in the indictment that in furtherance of said conspiracy, combination, confederation, and agreement, and to effect the object of the same, on or about August 23, 1912, the said Haiman Horowitz, Leon Katz, and Isidore Cuba, under the name and style of the Russian Monopol Co., did unlawfully ship and deliver for shipment in the Borough of Brooklyn, N. Y., to the State of Pennsylvania, to wit, to Michael Bosak Co., Scranton, Pa., certain 3 cases, each containing 40 pints of the said article of food, to wit, certain Russian vodka, so-called, which said article of food at the time of such shipment was misbranded within the meaning of the act of Congress aforesaid; in that the labels on the bottles, packages, and receptacles containing the article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and further in that said article of food was falsely branded as to the State, Territory, and country in which it was manufactured and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article, and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when it was not a foreign product. It was further charged in the indictment that in furtherance of said conspiracy, combination, confederation, and agreement, and to effect the object of the same, on or about August 27, 1912, the said defendants Horowitz, Katz, and Cuba, under the name and style of the Russian Monopol Co., did unlawfully ship and deliver for shipment from the State of New York into the State of Illinois, to wit, to I. Shulman, Chicago, Ill., certain 25 cases of the said article of food, to wit, certain Russian vodka, so-called, which said article at the time of shipment was misbranded within the meaning of the act of Congress aforesaid, in that the labels on the bottles, packages, and receptacles containing the article of food bore statements, designs, and devices regarding such article and the ingredients and substances contained therein which were false and misleading, and in that said article of food was falsely branded as to the State, Territory, and country in which it was manufactured and produced, and in that it was an imitation of and offered for sale under a distinctive name of another article, and in that it was labeled and branded so as to deceive and mislead the purchaser and purported to be a foreign product when said article was not a foreign product.

On October 22, 1912, the defendants Horowitz, Katz, and Cuba entered pleas of guilty to the indictment, and on October 24, 1912, were sentenced to pay a fine of \$100 each or stand committed until such fines were paid. On December 4, 1912, an order of nol pross was entered as to the two defendants Sam and Irving (Isaac) Shulman.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*