

3516. Misbranding of so-called superior sherry. U. S. v. A. Blum Jr.'s Sons. Plea of guilty. Fine, \$25. (F. & D. No. 5210. I. S. No. 20753-d.)

On July 6, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Blum Jr.'s Sons, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on May 25, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called superior sherry, which was misbranded. The product was labeled "Superior Sherry."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Amber colored, not bright, heavy sediment.

Aroma: Unpleasant, not clean or harmonious, lacks the nutty aroma of the true high-grade sherry, sound.

Taste: High in alcohol, bad aftertaste, lacks the characteristic fire of true sheries, has little sherry quality.

Alcohol (per cent by volume).....	20.60
Acid, as tartaric (grams per 100 cc).....	0.311
Volatile acid, as acetic (grams per 100 cc).....	0.066
Fixed acid, as tartaric (grams per 100 cc).....	0.288
Sulphur trioxid (SO ₃) (grams per 100 cc).....	0.0209

Misbranding of the product was alleged in the information for the reason that the statement appearing on the label, "Superior Sherry," regarding the article and the ingredients and substances therein contained, was false and misleading in that it indicated that said article was a genuine sherry wine produced in Spain, whereas, in truth and in fact, the said article was not a true sherry and a wine produced in Spain, but was a low-grade wine lacking the characteristics of true sherry, and a wine of domestic production. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Superior Sherry," thereby indicating that the said article was a genuine sherry wine produced in Spain, whereas, in truth and in fact, the said article was not a true sherry and a wine produced in Spain, but was a low-grade wine lacking the characteristics of true sherry, and a wine of domestic production. Misbranding was alleged for the further reason that the said article purported to be a foreign product, to wit, a product of Spain, whereas, in truth and in fact, the said article was not a foreign product, nor a product of Spain, but was a product of domestic origin.

On July 16, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914.*