

**3541. Adulteration and misbranding of so-called fine sherry and fine port. U. S. v. Paul Steinberg et al. (Rothschild Bros.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5514. I. S. Nos. 24408-e, 24409-e.)**

On May 7, 1914, 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 an information against Paul Steinberg and Moses Westheimer, copartners, trading under the firm name and style of Rothschild Bros., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 20, 1913, from the State of Pennsylvania into the State of New York, of quantities of so-called fine sherry and fine port, which were adulterated and misbranded. The so-called fine sherry was labeled: (On head of barrel) "Guaranteed under U. S. Serial No. 10084 Food & Drugs Act June 30-1906. Fine Sherry from Rothschild Bros., Rectifiers & Wholesale Liquor Dealers 214 S. Front St., Philad'a." (On opposite end) "Fine Sherry." (On shipping tag) "D. J. Cavanaugh 10 Elk St., Buffalo, N. Y. c/o Buffalo S & C Co. From Rothschild Bros. Sole Proprietors Rothschild's old No. 6 Whiskey 214 South Front Street, Philadelphia."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed that it was a domestic product, and not a sherry from Spain. There was present in the product 0.0168 gram of sulphates as  $\text{SO}_3$  per 100 cc.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, California sherry wine, had been substituted wholly or in part for genuine sherry wine, which the article purported to be. Misbranding was alleged for the reason that the article bore, as a part of the label thereof, the following statement, to wit, "Fine Sherry," which said statement was false and misleading in that it purported and represented to purchasers that said article of food was genuine sherry wine, an article produced in Spain, whereas, in truth and in fact, said article was not a genuine sherry wine, but a California sherry wine. Misbranding was alleged for the further reason that the product bore the aforesaid label, which purported and represented that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product but was a domestic product.

The so-called fine port was labeled: (On barrel head) "Guaranteed Under U. S. Serial No. 10084 Food & Drugs Act, June 30, 1906. Fine port. From Rothschild Bros. Rectifiers & Wholesale Liquor Dealers 214 S. Front St. Philad'a." (On opposite end) "Fine Port." (On shipping tag) "D. J. Cavanaugh 10 Elk St., Buffalo, N. Y. c/o Buffalo S. & C. Co. From Rothschild Bros. Sole proprietors. Rothschild's old No. 6 Whiskey, 214 South Front Street, Philadelphia."

Analysis of a sample of this product by said Bureau of Chemistry showed that it was a domestic product, and not a port wine from Portugal.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, California port wine, had been substituted wholly or in part for genuine port wine, which the article purported to be. Misbranding was alleged for the reason that the article bore, as a part of the label thereof, the following statement, to wit, "Fine Port," which said statement was false and misleading in that it purported and represented to purchasers that the article was genuine port wine, an article produced in Portugal, whereas, in truth and in fact, it was not a genuine port wine but was a California port wine. Misbranding was alleged for the further reason that the article was labeled as aforesaid, which said label purported and represented that the article was a foreign product, whereas, in truth and in fact, said article was not a foreign product but was a domestic product.

On June 19, 1914, a plea of guilty was entered on behalf of the defendant concern, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*