

3561. Misbranding of so-called vodka. U. S. v. Louis B. Katz (Russian Monopole Co. of America). Plea of guilty. Fine, \$25 on one information, and sentence suspended on other information. (F. & D. No. 5580. I. S. Nos. 204-e, 205-e, 2702-e.)

On December 17, 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 two informations against Louis B. Katz, trading as the Russian Monopole Co. of America, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act:

(1) On August 30, 1912, from the State of New York into the State of New Jersey, of a quantity of so-called vodka which was misbranded. This product was labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/100 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 12 K, Bottle 2 K, Total 14 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka Made and Bottled in Russia Monopole." (Reverse label, in Russian, translated) "St. Petersburg Revenue Office. 15-4-1912. Government Whiskey Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.)

Investigation by this department disclosed the fact that the product was manufactured in the United States of America.

Misbranding of the product was alleged in one of the informations for the reason that the statements "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole. St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," appearing on the label regarding the said article and the ingredients and the substances therein contained, were false and misleading in that they indicated that the article was Russian vodka, a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole * * * St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," thereby indicating that it was Russian vodka, a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka, and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product, nor a product of Russia, but was a product of domestic manufacture.

(2) On August 27, 1912, from the State of New York into the State of Connecticut, of a quantity of so-called vodka, which was misbranded. Part of the bottles in this consignment were labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/100 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 12 K, Bottle 2 K, Total 14 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka Made and Bottled in Russia Monopole." (Reverse label, in Russian, translated) "St. Petersburg Revenue Office. 15-4-1912. Government Whiskey, Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.) The remaining bottles in the consignment were labeled: (Russian label, translated) "Government pure (or rectified) Spirits (or alcohol). 1/200 Vedro (or a certain Russian measure) Strength 57%. Price, Spirits 6 K, Bottle 1 1/2 K, Total 7 1/2 K." ("K" means "kopec," a Russian coin.) (English label) "Monopole Vodka made and Bottled in Russia Monopole Company of Russia." (Reverse label, in Russian, translated): "St. Petersburg Revenue Office. 15-4-1912. Government

Whiskey. Storehouse No. 1." (Representation of Russian coat of arms on wax bottle cap.)

Investigation by this department disclosed the fact that this product also was of domestic manufacture.

Misbranding of the product was alleged in the second information for the reason that the statement "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole. St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," and the statements "Government pure (or rectified) Spirits (or alcohol) * * * Monopole Vodka Made and Bottled in Russia[n] Monopole Company of Russia. St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," appearing on the label aforesaid regarding the article and the ingredients and substances therein contained, were false and misleading in that they indicated that the article was Russian vodka, and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, it was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States.

Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole * * * St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," and being also labeled "Monopole Vodka Made and Bottled in Russia[n] Monopole Company of Russia * * * St. Petersburg Revenue Office. 15-4-1912. Government Whiskey. Storehouse No. 1," thereby indicating that the article was Russian vodka and a liquor produced in Russia and bottled under the supervision of the Russian Government, whereas, in truth and in fact, said article was not Russian vodka and was not a liquor produced in Russia and bottled under the supervision of the Russian Government, but was a liquor manufactured and bottled in the United States. Misbranding was alleged for the further reason that the article purported to be a foreign product, to wit, a product of Russia, whereas, in truth and in fact, it was not a foreign product nor a product of Russia, but was a product of domestic manufacture.

On December 21, 1914, pleas of guilty to the informations by the defendant were entered, and the court imposed a fine of \$25 on one information, and suspended sentence on the other.

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

WASHINGTON, D. C., *March 22, 1915.*