

**4121. Adulteration and misbranding of "California Sparkling Burgundy," "Sparkling Burgundy Type." U. S. v. California Wine & Cordial Co. Plea of guilty. Fine, \$25. (F. & D. 6037. I. S. No. 5397-e.)**

On January 29, 1915, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the California Wine & Cordial Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 7, 1912, from the State of California into the State of Arizona, of a quantity of "California Sparkling Burgundy," "Sparkling Burgundy Type" which was adulterated and misbranded. The product was labeled: (On bottle) "CW&CCo. Buena Vista California Sparkling Burgundy California Wine & Cordial Co. San Francisco. California, U. S. A." (On neck) "Sparkling Burgundy Type." (On cap) "Extra Dry."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was a carbonated California claret, rather high in volatile acid and with a cork taste. The bottle showed a light deposit with no yeast. It had good pressure.

Adulteration of the product was alleged in the information for the reason that an artificially carbonated wine of claret type had been substituted wholly for "California Sparkling Burgundy," "Sparkling Burgundy Type" which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "California Sparkling Burgundy," borne on the labels attached to the bottles, was false and misleading in that it purported and represented that the article was a domestic wine possessing the necessary characteristics of sparkling burgundy, to wit, a wine naturally fermented in the bottle, whereas, in truth and in fact, it was not a wine naturally fermented in the bottle, but was an artificially carbonated wine; further, for the reason that the statement, to wit, "California Sparkling Burgundy," borne on the label, was calculated to deceive and mislead the purchaser into the belief that the article was a domestic wine possessing the necessary characteristics of sparkling burgundy, to wit, a wine naturally fermented in the bottle, whereas, in truth and in fact, it was not a wine naturally fermented in the bottle, but was an artificially carbonated wine; further, for the reason that the statement, to wit, "Sparkling Burgundy Type", borne on the label attached to the neck of said bottles, was false and misleading in that it purported and represented that the article was a wine resembling sparkling burgundy and a type thereof, whereas, in truth and in fact, said article did not resemble sparkling burgundy, and was not a type thereof, but was an artificially carbonated wine of the claret type; further, for the reason that the statement, to wit, "Sparkling Burgundy Type," borne on the label attached to the neck of said bottles, was calculated to deceive and mislead the purchaser into the belief that it was a wine resembling sparkling burgundy and a type thereof, whereas, in truth and in fact, said article did not resemble sparkling burgundy, and was not a type thereof, but was an artificially carbonated wine of the claret type.

On June 12, 1915, the defendant company entered its plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*