

**4481. Adulteration and misbranding of wine. U. S. \* \* \* v. Frank J. Hauser (Monarch Wine Co.) Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 6569. I. S. No. 2841-h.)**

On September 18, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank J. Hauser, trading as Monarch Wine Co., Kelley's Island, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 28, 1913, from the State of Ohio into the State of New York, of a quantity of wine which was adulterated and misbranded. The article was labeled: "50 Ohio Port Wine Monarch Wine Co., Kelley's Island, Ohio."

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

|  |       |
|--|-------|
| Alcohol (per cent by volume)-----                          | 10.74 |
| Solids (grams per 100 cc)-----                             | 14.86 |
| Sucrose by copper (grams per 100 cc)-----                  | 5.18  |
| Reducing sugars, invert (grams per 100 cc)-----            | 6.19  |
| Nonsugar solids (grams per 100 cc)-----                    | 3.49  |
| Ash (gram per 100 cc)-----                                 | 0.38  |
| Ash, water-soluble (gram per 100 cc)-----                  | 0.31  |
| Ash, water-insoluble (gram per 100 cc)-----                | 0.07  |
| Alkalinity of soluble ash (cc N/10 acid per 100 cc)-----   | 22.0  |
| Alkalinity of insoluble ash (cc N/10 acid per 100 cc)----- | 6.2   |
| Total acid, as tartaric (gram per 100 cc)-----             | 0.98  |
| Total tartaric acid (gram per 100 cc)-----                 | 0.16  |
| Preservatives: Absent.                                     |       |
| Color: Natural.  |       |
| Saccharin: Absent.   |       |

This wine has been made from pomace and starch sugar.

Adulteration of the article was alleged in the information for the reason that another substance, to wit, base wine prepared from pomace and starch sugar, had been substituted, in whole or in part, for Ohio port wine, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Ohio Port Wine," borne on the barrels containing the article, was false and misleading in that it represented that the article was a wine of port type produced in Ohio, and misled and deceived the purchaser into the belief that it was a wine of port type produced in Ohio, whereas, in truth and in fact, it was not, but was a base wine prepared from pomace and starch sugar.

On October 16, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*