

6536. Adulteration and misbranding of wine. U. S. * * * v. 7 Barrels of Wine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8943. I. S. Nos. 3772-p, 3774-p. S. No. E-1011.)

On April 4, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 barrels of wine, 6 barrels being labeled in part, "New York State Malaga," and 1 barrel "Cherry * * * Wine," consigned on or about February 21, 1918, remaining unsold in the original, unbroken packages, at Baltimore, Md., alleging that the article had been shipped by Morris Griffier, New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted of starch sugar, or glucose, artificial color, artificial flavor, sour wine, and a wine base, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted for wine, which the article purported to be.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser, in that the label contained statements that were false and misleading, and in that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "New York State Malaga" or "Cherry Wine," as the case might be.

On May 15, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

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