

9820. Adulteration and misbranding of Mumm's champagne and Mumm's Sparkling Burgundy. U. S. * * * v. 5 Cases and 5 Drums * * * of Mumm's Extra Dry Champagne and 5 Cases * * * of Mumm's Sparkling Burgundy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13804. I. S. Nos. 1565-t, 1566-t. S. No. C-2553.)

On October 22, 1920, the United States attorney for the Western District of Kentucky, 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 5 cases and 5 drums, more or less, of Mumm's extra dry champagne and 5 cases, more or less, of Mumm's Sparkling Burgundy, remaining unsold in the original packages at Louisville, Ky., consigned by H. G. Mumm and Co., New York, N. Y., July 19, 1920, alleging that the articles had been shipped from New York, N. Y., and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libel for the reason that imitation products artificially carbonated had been mixed and packed with, and substituted wholly or in part for, the said articles. Adulteration was alleged with respect to the Sparkling Burgundy for the further reason that it was colored in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements on the labels of the bottles containing the respective articles, "H. G. Mumm & Co., Extra Dry Champagne Non Alcoholic" and "Non Alcoholic H. G. Mumm & Co., Sparkling Burgundy," were false and misleading and deceived and misled the purchaser, for the further reason that the said articles were imitations of, and offered for sale under the distinctive names of, other articles, and for the further reason that they were food in package form, and were not plainly and conspicuously marked on the outside of the package to show the quantity of the contents.

On February 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9821. Adulteration and misbranding of cider. U. S. * * * v. 141 Barrels and 249 Kegs * * * of Cider. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13835. I. S. Nos. 2463-t, 3067-t, 4230-t. S. No. C-2566.)

On November 3, 1920, the United States attorney for the Southern District of Ohio, 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 141 barrels and 249 kegs of cider, remaining unsold at Cincinnati, Ohio, consigned by the Food Products Co., Detroit, Mich., August 21, 25, and 31, 1920, respectively, alleging that the article had been transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, (barrels and kegs) "Old Tavern Brand Cider * * *" The barrels were further labeled in part, "Hillcrest Brand Cider * * *"

Adulteration of the article was alleged in the libel for the reason that imitation cider had been mixed and packed with, and substituted wholly for, the said article, and for the further reason that it had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Old Tavern * * * Cider" and "Hillcrest Brand Cider," were false and misleading and