

3686. Adulteration and misbranding of so-called brandy. U. S. v. 120 Bottles, More or Less, of a Product Purporting to be Brandy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5839. I. S. No. 21542-h. S. No. E-82.)

On August 3, 1914, the United States attorney for the Eastern District of Pennsylvania, 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 10 cases, each containing 12 bottles of a product purporting to be brandy, remaining unsold in the original unbroken packages, at Shendoah, Pa., alleging that the product had been shipped on June 22, 1914, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping cases were labeled: "Tissot Freres Brand Cognac Type, P. R. R. Sta. 6, 6/19 (Railroad stamp)." The bottles were labeled: Trade Mark (Design of crown and coat of arms) and the words "Fine Brandy Cognac Type Tissot Freres Brand, Guaranteed under the Pure Food and Drugs Act June 30th, 1906, U. S. Serial No. 2496," with pictorial representation of a grapevine bearing clusters of grapes; on the metal cap thereof a design of crown and coat of arms with word "Cognac"; and on shoulder thereof, label bearing three stars.

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, neutral spirits, colored in imitation of brandy, had been mixed with it so as to reduce and lower its quality and strength, and, further, in that a certain substance, to wit, neutral spirits, colored in imitation of brandy, had been substituted, wholly or in part, for the said brandy, and, further, in that the product had been mixed and colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that each of the bottles containing the product bore the following statement on the label thereof, to wit, "Fine Brandy, Cognac Type, Tissot Freres Brand," which said statement was false and misleading in that said product was not brandy, but an imitation thereof; further, in that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, brandy; and, further, in that it was labeled and branded as follows, to wit, "Fine Brandy, Cognac Type, Tissot Freres Brand," by virtue of which said label and brand the said product purported to be a foreign product, to wit, a product of France, whereas, in truth and in fact, it was not a product of France, but had been produced in the State of New York, in the United States of America.

On September 21, 1914, 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.

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

WASHINGTON, D. C., *March 26, 1915.*