

3782. Adulteration and misbranding of so-called apple brandy. U. S. v. Julius Moyse (Moyse Bros.). Plea of guilty. Fine, \$300 and costs. (F. & D. No. 6094. I. S. No. 2969-h.)

On January 7, 1915, 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 an information against Julius Moyse, trading as Moyse Bros., Cincinnati, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 28, 1912, from the State of Ohio into the State of Louisiana, of a quantity of so-called apple brandy which was adulterated and misbranded. The product was labeled: (Main label) "Apple Brandy" (picture of apple). (Back label) "Compound Guaranteed under the National Pure Food Law, June 30, 1906 Moyse Brothers, Cincinnati, Ohio." (Strip across stopper) "Moyse Bros. Cincinnati, O. To Guard Against Refilling See That This Seal is Unbroken."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof alcohol, unless otherwise stated:

Proof (degrees).....	79.3
Alcohol (per cent by volume).....	39.65
Solids.....	71.8
Acid as acetic.....	15.1
Esters as ethyl acetate.....	17.7
Aldehydes.....	6.6
Furfural.....	1.01
Fusel oil.....	10.0
Color insoluble in amyl alcohol: Practically all.	
Color insoluble in water: Practically none.	
Color: Caramel.	

This product is a mixture of neutral spirits and brandy.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and, further, in that a substance, to wit, neutral spirits, had been substituted in part for what the article, by its label, purported to be, to wit, apple brandy. Misbranding was alleged for the reason that the statement borne on the label attached to the bottle containing the article, to wit, "Apple Brandy," was false and misleading in that it purported and represented that said article was apple brandy, whereas, in truth and in fact, said article was not apple brandy, but was a mixture of apple brandy and neutral spirits. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, apple brandy, whereas, in truth and in fact, it was not apple brandy, but was a mixture of apple brandy and neutral spirits. Misbranding was alleged for the further reason that the article was labeled apple brandy so as to deceive and mislead the purchaser into the belief that it consisted entirely of apple brandy, whereas, in truth and in fact, it did not so consist, but consisted of a mixture of apple brandy and neutral spirits.

It was further alleged in the information that on June 28, 1912, a criminal information was filed in the District Court of the United States for the Southern District of Ohio, charging the defendant with having shipped in interstate commerce a quantity of peach brandy which was adulterated and misbranded in violation of said act, and that on July 12, 1912, in said court, upon a plea of guilty, the defendant was sentenced to pay a fine of \$25 and costs.

On March 17, 1915, the defendant entered a plea of guilty in the present case, and the court imposed a fine of \$300 and costs.

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