

**3932. Adulteration and misbranding of so-called blackberry brandy. U. S. v. Isadore Bear (Sol. Bear & Co.). Submission entered. Fine, \$10 and costs. (F. & D. No. 5392. I. S. No. 4124-e.)**

On February 17, 1914, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isadore Bear, trading as Sol. Bear & Co., Wilmington, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 20, 1912, from the State of North Carolina into the State of Virginia, of a quantity of so-called distilled blackberry brandy which was adulterated and misbranded. The product was labeled: "Pure Distilled Trade (design of standing bear holding fruit) Mark Blackberry Brandy Guaranteed Pure & to Conform to the National & All State Pure Food Laws. Sol. Bear & Co. Wilmington, North Carolina."

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, unless otherwise stated:

Proof (degrees).....	90.2
Solids.....	44.0
Acids, total, as acetic.....	6.7
Esters, fixed, as acetic.....	13.6
Aldehydes, fixed, as acetic.....	5.7
Furfural.....	0.1
Fusel oil (Allen-Marquardt method).....	19.0
Color (degrees, Lovibond, 0.5-inch cell).....	1.1
Color: Natural.	

The product consists almost entirely of neutral spirits.

Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy, had been substituted wholly or in part for what the product by its label and brand purported to be, to wit, distilled blackberry brandy. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of another article, to wit, distilled blackberry brandy, whereas, in truth and in fact, it was not distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy. Misbranding was alleged for the further reason that the product was labeled and branded as hereinbefore set forth so as to deceive and mislead the purchaser thereof into the belief that it was a distilled blackberry brandy, whereas, in truth and in fact, it was not a distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries, but flavored with blackberry brandy. Misbranding was alleged for the further reason that the label on the product as above set forth contained a certain statement, to wit, "Distilled Blackberry Brandy," regarding the ingredients or substances contained therein, which said statement was false and misleading, in that it would mislead and deceive the purchaser thereof into the belief that the product was distilled blackberry brandy, whereas, in truth and in fact, it was not a distilled blackberry brandy, but was a solution of neutral spirits not distilled from blackberries but flavored with blackberry brandy.

At the November, 1914, term of the District Court of the United States for the Eastern District of North Carolina, the defendant entered a submission, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.