

4541. Adulteration and misbranding of brandy and misbranding of "Fernet Milano." U. S. v. Ferdinand Giachino (Piemont Wine Cellars). Plea of guilty. Fine, \$15. (F. & D. No. 6755. I. S. Nos. 7371-h, 7373-h.)

On November 3, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ferdinand Giachino, trading as Piemont Wine Cellars, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on December 15, 1913, from the State of New York into the State of Michigan, of a quantity of cognac brandy, which was adulterated and misbranded, and of a quantity of "Fernet Milano," which was misbranded. The cognac was labeled: (On bottle) (Coat of arms—4 medals.) "Gordie Frères Brand Cognac Brandy. Special notice. To prevent imitations, we refer to our Trade-Mark. We shall also, after this date, wire and seal all our bottles for the U. S." (On neck label) Three stars.

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

Specific gravity at 15° C.....	0.9485
Alcohol (per cent by volume).....	42.97
Methyl alcohol.....	None
Solids.....	299.2
Acids, as acetic.....	14.8
Esters, as acetic.....	8.6
Fusel oil.....	8.7
Color insoluble in amyl alcohol (per cent).....	60.0
Paraldehyde test for caramel: Positive.	

The product consists largely of neutral spirits.

Adulteration of the article was alleged in the information for the reason that an imitation brandy had been substituted, in whole or in part, for cognac brandy, which the article purported to be.

Misbranding was alleged for the reason that the following statements appearing on the principal label aforesaid, to wit, "Gordie Frères Brand Cognac Brandy," and "We shall also, after this date, wire and seal our bottles for the U. S.," and the representation of three stars on the neck label aforesaid, were false and misleading in that they indicated to purchasers thereof, and were such as to deceive and mislead purchasers thereof into the belief, that the article was genuine cognac brandy, and was produced in the Cognac district, Republic of France, when, in truth and in fact, it was not genuine brandy, and was not produced in the Cognac district, Republic of France, but was, to wit, imitation brandy, and was produced in the United States of America.

Misbranding was alleged for the further reason that the article was an imitation brandy and was offered for sale under the distinctive name of another article, to wit, cognac brandy.

The "Fernet Milano" was labeled: (On cap) Design of crown. (On sticker) "Fernet Milano" (Main label) "Fernet Milano Liquore Vermifugo e Febrifugo Il solo che ne possiede il vero e genuine processo, riconosciuto ed approvato da vari professori. E' l'unico fernet che per essere preparato in mode tutto speciale, oltre all' avere tutte le qualita indiscutibilmente riconosciute in tal genere di liquore, ha il pregio di prevenire e di far cessare i disturbi causati dal viaggio in mare. Nassuno manchi quindi di considerarlo come indispensabile per una buona traversata. Si prende a qualsiasi tempo

nella quantita di un bicchierino a liquore puro, oppure misto a qualsiasi liquore o bibita. In mare va preso non appena si manifestino i primi sintomi del vomito. A scanso di contraffazioni ogni etichetta portera la firma. Fernet Milano e la capsula sara' assicurata nel collo della bottiglia con altra etichetta portante la stessa firma 'Fernet type Milano'." (Design of crossed flags). (On shipping package) "Fernet Milano. Fragile."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Specific gravity at 20° C.....	0.9538
Solids at 100° C. (grams per 100 cc).....	1.59
Ash (grams per 100 cc).....	0.09
Alcohol (per cent by volume).....	37.80
Emodin: Present.	
Alkaloids: None.	
Total acids (cc N/10 alkali per 100 cc).....	8.4
Phosphoric acid, as P ₂ O ₅ : Trace.	

A hydroalcoholic solution containing laxative plant drugs.

Misbranding of the article was alleged in the information for the reason that the following statement appearing on the label aforesaid, to wit, "Fernet Milano," and the design of a crown embossed on the cap with which the bottle was sealed, were false and misleading, in that they indicated to purchasers thereof that the article was manufactured in the City of Milan, Kingdom of Italy, when, in truth and in fact, the said article was not manufactured in the City of Milan, Kingdom of Italy, but was manufactured in the United States of America, to wit, the City of New York, State of New York.

On November 9, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*