

5168. Adulteration and misbranding of brandy or brandy cognac type.
U. S. * * * v. Fleischmann-Clarke Co., a corporation. Plea of
guilty. Fine, \$50. (F. & D. No. 7515. I. S. No. 20221-L.)

On September 27, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fleischmann-Clarke Co., a corporation doing business at San Francisco, Cal., alleging the sale by said company, on or about October 19, 1915, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated or misbranded within the meaning of the said act, of a quantity of brandy or brandy cognac type, which was an adulterated and misbranded article within the meaning of the said act, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about October 20, 1915, from the State of California into the State of Nevada, in further violation of the said act. The article was labeled in part: “* * * Brandy. * * * Brandy Cognac Type * * *.”

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

Proof (degrees) -----	89.4
Solids (grams per 100 liters to 100 proof) -----	121.9
Total acids, as acetic (grams per 100 liters to 100 proof) ----	11.0
Esters, as acetic (grams per 100 liters to 100 proof) -----	25.6
Aldehydes, as acetic (grams per 100 liters to 100 proof) ----	5.7
Furfural (gram per 100 liters to 100 proof) -----	0.3
Fusel oil (grams per 100 liters to 100 proof) -----	17.7
Color insoluble in amyl alcohol (per cent) -----	60.0

Paraldehyde test: Positive.

Caramel: Present.

This sample consists chiefly of neutral spirits colored with caramel.

Adulteration of the article was alleged in the information for the reason that dilute spirits, colored with caramel, had been substituted in whole or in part for brandy, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation brandy, to wit, dilute spirits, colored with caramel, and was offered for sale under the distinctive name of another article, to wit, brandy. Misbranding was alleged for the further reason that the statements, to wit, “Brandy” and “Brandy Cognac Type,” borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was brandy and was brandy of the type produced in the Cognac district of the Republic of France; and for the further reason that it was labeled, “Brandy” and “Brandy Cognac Type,” so as to deceive and mislead the purchaser into the belief that it was brandy, and that it was brandy of the type produced in the Cognac district of the Republic of France, whereas, in fact and in truth, it was not brandy and was not produced in the Cognac district of the Republic of France, but was an imitation brandy, prepared from dilute spirits and colored with caramel.

On November 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*