

2947. Misbranding of anesone triduo. U. S. v. Pasquale Gargiulo. Plea of guilty. Fine, \$40.
(F. & D. No. 4687. I. S. No. 3183-d.)

On June 11, 1913, 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 Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on January 26, 1912, from the State of New York into the State of Massachusetts, of a quantity of so-called anesone triduo, which was misbranded. The product was labeled in the Italian language, a translation of said label being as follows: "Anesone Triduo of our manufacture has met the taste of all by its indisputably superior qualities. Disposes the stomach to regular digestion. When mixed with water it makes a hygienic and delicious beverage. When mingled with coffee it develops a delicate and aromatic perfume. Premium distillery. Martini Sons."

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

Alcohol (per cent by volume).....	46.16
Alcohol (per cent by weight).....	37.66
Refractive index of distillate.....	49
Methyl alcohol by refractometer.....	None.

The article contains alcohol which is not declared upon the label. It was ascertained in connection with the examination of the product that it was manufactured in the United States. Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label of the article would indicate that it was a foreign product, to wit, a product of Italy, when it was not so and was a product of the United States. Misbranding was alleged for the further reason that the product purported to be a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States. Misbranding was alleged for the further reason that it failed to bear a statement on the label of the package thereof of the quantity or proportion of alcohol contained therein, whereas alcohol was one of the ingredients of said drug to the extent of 46.16 per cent by volume.

On November 5, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2948. Adulteration and misbranding of vermouthe. U. S. v. Basilea Calandra Co. Plea of guilty. Fine, \$65. (F. & D. No. 4690. I. S. No. 16800-d.)

On April 30, 1913, 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 The Basilea Calandra Co., a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on February 23, 1912, from the State of New York into the State of Louisiana, of a quantity of vermouthe, which was adulterated and misbranded. The product was labeled: "Vermouthe Bascal Compounded." (In Italian) "Confezionato per esportazione," a translation of which is "Prepared for export." The label also contained foreign designs and pictures.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed it to consist of an imitation vermouthe prepared in large part of dilute alcoholic spirits. Adulteration of the product was alleged in the information for the reason that there was substituted for the genuine article vermouthe another substance, to wit, a mixture of water, alcohol, and herbs, and that it was, in fact, an imitation vermouthe.