4166. Adulteration and misbranding of so-called cognac. U. S. v. Basilea-Calandra Co. Plea of guilty. Fine, $50. (F. & D. No. 6266. I. S. No. 2412-h.)

On July 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 the Basilea-Calandra Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on July 1, 1913, from the State of New York into the State of Ohio, of a quantity of so-called cognac which was adulterated and misbranded. The article was labeled: (On bottle) "Duchateau Brand Cognac Compounded With Pure Grain Distillates." (On neck of bottle) "The Original Contents of this Package Constitute A Compound Artificially Colored Compounded and Bottled in New York, N. Y. This Bottle Contains 23½ Oz." (Design of three stars.)

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters of proof spirits, unless otherwise noted:

Proof	73.8
Acids total, as acetic	8.9
Esters, volatile, as ethyl acetate	11.0
Aldehydes, as acetaldehyde	2.1
Furfural	0.1
Fusel oil	15.5
Caramel: Present.	
Capacity (fluid ounces)	24.5

This product is an imitation brandy consisting largely of neutral spirits.

Adulteration of the article was alleged in the information for the reason that an imitation brandy of domestic origin, consisting largely of neutral spirits, had been substituted wholly or in part for cognac which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Cognac," together with the design and device of three stars, appearing on the label thereof regarding the said article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was a cognac, to wit, a brandy produced in the Cognac district of France, whereas, in truth and in fact, said article was not cognac, a brandy produced in the Cognac district of France, but was an imitation brandy of domestic origin, consisting largely of neutral spirits. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled in large type "Cognac," which said statement, together with the design and device of three stars borne on the neck of said bottle, was calculated to mislead and deceive the purchaser into the belief that said article was cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, said article was not cognac, a brandy produced in the Cognac district of France, but was an imitation brandy of domestic origin, consisting largely of neutral spirits. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, cognac, a brandy made in the Cognac district of France, whereas, in truth and in fact, it was not cognac, a brandy made in the Cognac district of France, but was an imitation brandy of domestic origin, consisting largely of neutral spirits.

On July 28, 1915, 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.*