

4177. Adulteration and misbranding of brandy. U. S. * * * v. 102 Cases of Brandy (so called). Product ordered released on bond. (F. & D. No. 6306. I. S. No. 290-k. S. No. E-222.)

On February 23, 1915, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 102 cases, each containing one dozen bottles of brandy, so called, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the articles had been shipped, on or about December 8, 1914, by John A. Leffler & Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cases were labeled, in part: "Imperial Cognac Brandy, Type * * * Glass Contents 12-1/5 Gals." The bottles were labeled: (Main label) "Imperial Cognac Type Brandy, contents 1/5 gallon." (Design medals) (Shoulder label bearing three stars).

Adulteration of the article was alleged in the libel for the reason that it was not a brandy of the cognac type, but that neutral spirits, colored in imitation of brandy, had been substituted in whole or in part, and had been mixed and packed with the brandy in such a manner as to reduce or lower or injuriously affect the quality and strength of the product.

Misbranding was alleged for the reason that the labels on the retail packages purported the product to be "Imperial Cognac Type Brandy," and indicated that it was produced in the Cognac district of France, when, in truth and in fact, the product was an imitation cognac and consisted wholly or in part of neutral spirits colored in imitation of brandy, and, further, for the reason that the product was not of foreign origin.

On April 16, 1915, John A. Leffler & Co., claimant, New York, N. Y., having filed an answer and the case having come on for final disposition, it was adjudged and decreed by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*