

4454. Adulteration and misbranding of brandy. U. S. * * * v. Philip Goldberg (Metropolitan Distributing Co.). Plea of guilty. Fine, \$10. (F. & D. No. 6466. I. S. No. 21528-h.)

On October 15, 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 Philip Goldberg, trading as Metropolitan Distributing Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 10, 1914, from the State of New York into the State of Connecticut, of a quantity of brandy which was adulterated and misbranded. The article was labeled: (On cap) "Metropolitan Distributing Co., Majestic Brandy." (On neck) "Majestic" (Main label) "Majestic Brand Cognac type A Pure California Grape Brandy and other ingredients. Serial No. 14222. Selected Quality. Contents 25 Fl. ozs." (Design of grape vine around edge of label. Design of globe, eagle, etc., on label.)

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, unless otherwise stated:

Proof (degrees)-----	83.0
Total acids, as acetic-----	15.0
Esters, as acetic-----	8.8
Aldehydes, as acetic-----	2.2
Furfural-----	0.3
Fusel oil-----	21.4
Marsh test for caramel-----	Positive.
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 a substance, to wit, neutral spirits, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength and had been substituted in part for "Cognac Type a Pure California Grape Brandy," which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "Cognac Type A pure California Grape Brandy," whereas, in truth and in fact, it was a mixture of brandy and neutral spirits, made in imitation of pure California grape brandy of Cognac type. Misbranding was alleged for the further reason that the statement "Cognac Type A Pure California Grape Brandy," regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was a pure California grape brandy of the type produced in the Cognac district of France, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was such a product, as aforesaid, whereas, in truth and in fact, it was not, but was a mixture of brandy and neutral spirits.

On November 1, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*