

3604. Adulteration and misbranding of whisky. U. S. v. Standard Distilling & Distributing Co. (Millcreek Distilling Co., Branch). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 5669. I. S. No. 2115-h.)

On June 30, 1914, the United States attorney for the Southern District of Ohio, 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 Standard Distilling & Distributing Co., a corporation organized under the laws of the State of West Virginia, and having an office and place of business under the name Millcreek Distilling Co., Branch, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 27, 1913, from the State of Ohio into the State of Illinois, of a quantity of whisky in bottles which was adulterated and misbranded. The product was labeled: (Label over cork) "100 Proof Aged in Wood 100 Proof Guaranteed Straight Whiskey Guaranteed to comply with the National Pure Food Law 100 Proof Guaranteed Straight Whiskey 100 Proof Full Measure." (Main label) "Old Princeton High Grade 100 Proof Whiskey Guaranteed by Millcreek Distilling Co. under the Pure Food and Drug Act, June 30, 1906. Bottled for B. J. Epstein & Co. Wholesale Liquors Danville, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100 proof, except where otherwise indicated:

Proof (degrees)-----	100.3
Solids-----	129.6
Total acids, as acetic-----	12.0
Esters, as ethyl acetate-----	8.8
Aldehydes, as acetic aldehyde-----	2.4
Furfural-----	0.2
Fusel oil, as amyl alcohol (A. & M. method)-----	28.1
Total color (degrees, $\frac{1}{2}$ -inch cell, brewer's scale, Lovibond tintometer, to 100 proof)-----	13.5
Color (per cent insoluble in amyl alcohol)-----	70.0
Qualitative Marsh test: Shows very little wood aging.	

Adulteration of the product was alleged in the information, for the reason that a substance, to wit, neutral-spirits whisky, artificially colored and not aged in the wood, had been substituted in whole or in part for the straight whisky which said article purported to be. Misbranding was alleged for the reason that the statement on the label thereof, "100 Proof Aged in Wood Guaranteed Straight Whiskey," was false and misleading in that it purported and represented the article to be a straight whisky aged in the wood, whereas, in fact, it was not a straight whisky aged in the wood, but a neutral-spirits whisky, artificially colored with caramel in imitation of straight whisky aged in the wood. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser into the belief that the same was straight whisky, aged in the wood, whereas, in fact, the same was a neutral-spirits whisky, artificially colored in imitation of straight whisky aged in the wood.

On October 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*