

3611. Adulteration and misbranding of so-called old apple, old peach, and blackberry brandies. U. S. v. Adam Kissner. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 5679. I. S. Nos. 4416-e, 4417-e, 4419-e.)

On August 17, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adam Kissner, St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 3, 1912, from the State of Missouri into the State of Illinois:

(1) Of a quantity of so-called old apple brandy, which was adulterated and misbranded. The product was labeled: "Old Apple Brandy XX Adam Kissner 1700-02 Market Street, St. Louis."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed in parts per 100,000 of 100° proof, unless otherwise noted:

Proof (degrees).....	89.2
Solids.....	68.7
Acids, total as acetic.....	49.8
Esters, fixed as acetic.....	75.0
Aldehydes, fixed as acetic.....	60.5
Furfural.....	1.4
Fusel oil (A. & M. method).....	31.6
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	3.4
Color (per cent insoluble in amyl alcohol).....	32.0

The product consists of about 40 per cent neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, to wit, neutral spirits, had been substituted in part for old apple brandy, which the article purported to be. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Old Apple Brandy," was false and misleading in that it purported and represented the article to be an old apple brandy, whereas, in truth and in fact, it was not an old apple brandy, but was a mixture of apple brandy and neutral spirits; and, further, in that said article was labeled and branded "Old Apple Brandy" so as to deceive and mislead the purchaser into the belief that it consisted entirely of apple brandy, whereas, in truth and in fact, it did not consist of an old apple brandy, but was a mixture of brandy and neutral spirits.

(2) Of a quantity of so-called old peach brandy, which was adulterated and misbranded. This product was labeled "Old Peach Brandy XX Adam Kissner 1700-02 Market Street, St. Louis."

Analysis of a sample of the product by said Bureau of Chemistry showed the following results, expressed as parts per 100,000 of 100° proof, unless otherwise noted:

Proof (degrees).....	88.7
Solids.....	71.0
Acids, total as acetic.....	10.8
Esters, fixed as acetic.....	11.9
Aldehydes, fixed as acetic.....	2.7
Furfural: Trace.	
Fusel oil (A. & M. method).....	24.8
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	2.8
Color (per cent insoluble in amyl alcohol).....	32.0

The product consists of about 50 per cent neutral spirits.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, neutral spirits, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength; and, further, in that a substance, to wit, neutral spirits, had been substituted in part for old peach brandy, which the article purported to be. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Old Peach Brandy," was false and misleading in that it purported and represented said article to be an old peach brandy, whereas, in truth and in fact, it was not an old peach brandy, but was a mixture of peach brandy and neutral spirits; and for the further reason that the article was labeled and branded "Old Peach Brandy," so as to deceive and mislead the purchaser into the belief that it consisted entirely of peach brandy, whereas, in truth and in fact, it did not consist of an old peach brandy, but was a mixture of peach brandy and neutral spirits.

(3) Of a quantity of so-called blackberry brandy, which was adulterated and misbranded. This product was labeled: "Blackberry Brandy."

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

Solids by evaporation (grams per 100 cc)-----	24.59
Nonsugar solids (grams per 100 cc)-----	3.16
Reducing sugars before inversion (grams per 100 cc)-----	20.97
Polarization, direct at 22° C., normal wt. (°V.)-----	-3.4
Polarization, invert at 22° C., normal wt. (°V.)-----	-4.0
Polarization, invert at 87° C., normal wt. (°V.)-----	0.0
Sucrose, Clerget (per cent)-----	0.45
Glucose-----	0.0
Ash (grams per 100 cc)-----	0.436
Water-soluble ash (grams per 100 cc)-----	0.375
Water-insoluble ash (grams per 100 cc)-----	0.061
Alkalinity of soluble ash (cc N/10 acid per 100 cc)-----	10.8
Total P ₂ O ₅ (mg per 100 cc)-----	13.5

Color: Largely coal tar, Ponceau 3R.

Ammonia test and lead subacetate test show absence of blackberry fruit.

Alcohol (per cent by volume)-----	10.08
-----------------------------------	-------

Methyl alcohol: None.

Sodium benzoate: None.

Sodium salicylate: None.

Saccharin: None.

Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation blackberry cordial artificially colored, had been substituted in part for blackberry brandy which the article purported to be; and, further, in that the article was an imitation blackberry cordial colored with a certain dye to simulate the appearance of genuine blackberry brandy in a manner whereby the inferiority of said article was concealed. Misbranding was alleged for the reason that the statement borne on the label thereof, to wit, "Blackberry Brandy," was false and misleading in that it purported and represented the article to be blackberry brandy, whereas, in truth and in fact, it was not blackberry brandy, but was an imitation blackberry cordial, artificially colored; and, further, in that said article was labeled and branded so as to deceive and mislead the purchaser into the belief that it consisted entirely of blackberry brandy, the bottles containing said article being labeled and branded "Blackberry Brandy," whereas, in truth and in fact, it

was not blackberry brandy, but was an imitation blackberry cordial, artificially colored; and, further, in that the article was offered for sale under the distinctive name of another article, to wit, blackberry brandy, being labeled "Blackberry Brandy," whereas, in truth and in fact, it was not blackberry brandy, but was an imitation blackberry cordial, artificially colored.

On October 8, 1914, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$30 and costs.

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

WASHINGTON, D. C., *March 12, 1915.*