

3644. Misbranding of so-called cognac. U. S. v. 254 Bottles of Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5750. I. S. No. 7381-h. S. No. C-43.)

On June 8, 1914, the United States attorney for the Eastern District of Michigan, 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 254 bottles, more or less, of so-called cognac, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the product had been shipped on November 6, 1913, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in Russian, of which the following is a translation, to wit: "Natural Grape Cognac Type Trade Mark (Picture of Russian Double Eagle) Approved by the Government Product of R. Monopol Co. Filled in the Russian Monopol Warehouse, Brooklyn, N. Y." The word "type" in said label was stamped in inconspicuous fashion under the word "cognac."

It was alleged in the libel that the product was misbranded within the meaning and in violation of the act of Congress of June 30, 1906, known as the Food and Drugs Act, paragraph 1 of section 8 of said act and also paragraphs 1 and 2 of section 8, under the classification of food in the said act, an analysis of samples of the product by the Bureau of Chemistry, Department of Agriculture, having revealed that said product was imitation cognac, the labels on said bottles being false and misleading, because they conveyed the impression that the product was a true cognac of foreign manufacture, and this was not corrected by means of the word "type," which appeared in inconspicuous fashion, the labels on said bottles being further false and misleading by the use of the Russian eagle and the statement "approved by the Government." Misbranding was alleged for the further reason that each of the bottles of the product, by the labels attached thereto, was labeled and printed [branded] so as to mislead the purchaser thereof, an analysis of samples of said product disclosing the fact that it was an imitation of cognac as aforesaid.

On September 25, 1914, Nathan Schreiber, Detroit, Mich., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been plainly relabeled as follows, "Imitation Cognac, Manufactured by the Russian Monopol Co., New York," should be released and surrendered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act.

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

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