

5960. Adulteration and misbranding of cognac brandy essence. U. S. \* \* \* v. Antonio Valsecchi. Plea of guilty. Fine, \$5. (F. & D. No. 7188. I. S. No. 3202-k.)

On July 14, 1916, 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 Antonio Valsecchi, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 9, 1914, from the State of New York into the State of New Jersey, of a quantity of cognac brandy essence which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Total alcohol (per cent by volume)----- 62.72

Ethyl alcohol: None.

Methyl alcohol (per cent by volume)----- 62.72

Color: Caramel.

Flavor: Oil of juniper berries.

Analysis shows the product to be a diluted solution of methyl alcohol, flavored and colored.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, methyl alcohol, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, methyl alcohol, which might render said article injurious to health.

Misbranding was alleged for the reason that the following statements regarding the article and the ingredients and substances contained therein, on the label, to wit, "Brandy Cognac-Brandy \* \* \* Directions. First mix carefully alcohol and water. and after ten minutes add the extract and shake strongly \* \* \*," not corrected by the statements in inconspicuous type on the label, to wit, "Compound flavor" and "artificially . . . colored," were false and misleading in that they indicated to purchasers thereof that said article consisted of a genuine cognac brandy essence or extract; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the said article consisted of a genuine cognac brandy essence or extract, when, in truth and in fact, it did not, but did consist of, to wit, an artificially colored imitation flavor for use in the preparation of imitation brandy.

On November 13, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*