

3933. Adulteration and misbranding of so-called cognac. U. S. v. Jastrow Alexander et al. (Jastrow Alexander & Co.). Plea of guilty. Sentence suspended. (F. & D. No. 5410. I. S. No. 1344-e.)

On March 16, 1914, 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 Jastrow Alexander and L. J. Alexander, copartners, trading under the firm name and style of Jastrow Alexander & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 4, 1912, from the State of New York into the State of Pennsylvania, of a quantity of so-called cognac, which was adulterated and misbranded. The cases containing the product were labeled: "Tissot Frères 12 bottles 5s" and "Tissot Frères Cognac". The bottles contained in the cases were labeled: "Trade Mark Tissot's Brand Tissot Frères Cognac".

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, unless otherwise stated:

Proof (degrees).....	85.3
Solids.....	99.4
Acids, total, as acetic.....	8.4
Esters.....	10.3
Aldehydes, as acetic.....	0.9
Furfural: Trace.	
Fusel oil (Allen-Marquardt method)	22.8
Color insoluble in amyl alcohol (per cent)	45.0

Adulteration of the product was alleged in the information for the reason that a mixture of neutral spirits, brandy, and caramel had been substituted wholly or in part for cognac which the article purported to be, and, further, for the reason that the article was colored with caramel, whereby the inferiority of said article was concealed. Misbranding was alleged for the reason that the statement "Tissot's Brand—Tissot's Frères Cognac", borne on the bottle labels of the article, and the statement "Tissot Frères Cognac," borne on the case containing the article, were false and misleading in that they conveyed the impression that the product was cognac, whereas, in truth and in fact, it was not cognac, but was a mixture of neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled on the bottle "Tissot's Brand—Tissot Frères Cognac", and being labeled on the cases containing the article "Tissot Frères Cognac," thereby creating the impression that the product was cognac, whereas, in truth and in fact, the article was not cognac, but was a mixture of neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the statement on the bottle label, "Tissot's Brand—Tissot Frères Cognac," and the statement on the case containing the article, "Tissot Frères Cognac", were false and misleading in that they conveyed the impression that the article was a foreign product, to wit, a cognac produced in France, whereas, in truth and in fact, the article was not a cognac nor a cognac produced in France, but was an imitation cognac manufactured in the United States from neutral spirits, brandy, and caramel. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded on the bottle "Tissot's Brand—Tissot Frères Cognac", and labeled and branded on the case containing the article "Tissot Frères Cognac," thereby creating the impression that the article was a foreign product, to wit, a cognac produced in France, whereas, in truth and in fact, the article was not a cognac nor a cognac produced in France, but was an

imitation cognac manufactured in the United States from neutral spirits, brandy, and caramel.

On October 23, 1914, a plea of guilty was entered on behalf of the defendant firm, and the court suspended sentence.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1915.*