

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1435.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF APRICOT AND BLACKBERRY BRANDY.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, alleging the shipment by it, in violation of the Food and Drugs Act, on or about November 31, 1910, from the State of Missouri into the State of Illinois of a quantity of apricot brandy and blackberry brandy which were adulterated and misbranded. The apricot brandy was labeled: "P. F. D. Apricot Brandy A compound Absolutely pure. Highest Quality Pure Food Distilling Co., St. Louis Missouri." The blackberry brandy was labeled: "P. F. D. Blackberry Brandy Absolutely Pure Highest Quality Pure Food Distilling Co., St. Louis, Missouri."

Analysis of a sample of each of said products made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results:

I. S. No. 10045-c (Apricot Brandy).

Solids, evap. (grams per 100 cc)-----	29.1
Lead precipitate-----	none
Sucrose (Clerget) (per cent)-----	25.62
Reducing sugars as invert after inversion (grams per 100 cc)-----	28.51
Polarization direct at 24° C----- °V--	25.0
Polarization invert at 24 C°----- °V--	-8.6
Polarization invert at 87° C----- °V--	zero
Ash (grams per 100 cc)-----	.008
Alcohol (per cent by volume)-----	31.33
Glucose-----	none
Color-----	caramel
Color removed by fuller's earth (per cent)-----	64
Specific gravity 15.5° C-----	1.076

I. S. No. 10047-c (Blackberry Brandy).

Solids, evap. (grams per 100 cc)-----	35.4
Lead precipitate, moderately heavy, but not green.	
Reducing sugars as invert after inversion (grams per 100 cc)-----	28.50
Nonsugar solids (grams per 100 cc)-----	6.90
Glucose (factor 163) (grams per 100 cc)-----	5.50
Polarization direct at 24° C-----°V--	4.9
Polarization invert at 24° C-----°V--	4.6
Polarization invert at 87° C-----°V--	8.0
Ash (grams per 100 cc)-----	.96
Water soluble ash (grams per 100 cc)-----	.40
Water insoluble ash (grams per 100 cc)-----	.56
Alkalinity of soluble ash (cc 10/N acid 100 cc)-----	24.0
Alkalinity of insoluble ash (cc 10/N acid 100 cc)-----	130.0
Alcohol (per cent by volume)-----	7.85
Specific gravity 15.6° C-----	1.127
Color, a vegetable coloring matter not blackberry present, and also a color giving reactions of cochineal.	

Adulteration was alleged in the first count of the information against the apricot brandy for the reason that an imitation apricot cordial, artificially colored with caramel, had been substituted wholly or in part for the article described on the label as apricot brandy, and also because the product was artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged against said product in the second count of the information for the reason that the label on said product was false and misleading and would lead the purchaser to believe that said product was apricot brandy absolutely pure and of the highest quality, when in fact said product was an imitation of and was offered for sale under the distinctive name of another article, to wit, apricot brandy, and further, because the label would lead the purchaser to believe that said product conformed to the commercial concept and standard of apricot brandy, when in fact said product was an adulteration.

Adulteration was alleged in the third count of the information against the blackberry brandy because an imitation blackberry cordial, artificially colored, made from commercial glucose, had been substituted wholly or in part for the article described on the label as blackberry brandy, and further, because said product was artificially colored in a manner whereby its inferiority was concealed. Misbranding was alleged against said product in the fourth count of said information because the label was false and misleading, in that it would lead the purchaser of the product to believe that it was blackberry brandy, absolutely pure and of the highest quality, when in fact the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, blackberry

brandy, and further because said label would lead the purchaser of the product to believe that it conformed to the commercial concept and standard of and was blackberry brandy, when in fact said product was an adulteration and imitation thereof.

On January 29, 1912, the defendant pleaded guilty and was fined \$10 on each count of the information, or a total of \$40 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 2, 1912.*

1435

