

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2066.

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

ADULTERATION AND MISBRANDING OF SO-CALLED BLENDED PEACH BRANDY.

On June 28, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Julius Moyse and Alphonse Moyse, copartners, trading and doing business under the firm name of Moyse Bros., Cincinnati, Ohio, alleging shipment by them, in violation of the Food and Drugs Act, on August 24, 1910, from the State of Ohio into the State of Florida, of a quantity of so-called blended peach brandy which was adulterated and misbranded. The product was labeled: "Peach Brandy. Blended Peach Brandy, Proof 90, Moyse Brothers, Cincinnati, O. * * * Wholesale Liquor dealers and Rectifiers, 422 W. 4th St., Cincinnati, O. R. 9435483—Guaranteed under the National Pure Food and Drugs Act."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Proof, corrected 60° F., 87.5; acid (grams per 100,000 liters of 100 proof), 48; fusel oil (grams per 100,000 liters of 100 proof), 22.2; esters (grams per 100,000 liters of 100 proof), 37; aldehydes (grams per 100,000 liters of 100 proof), 3.7. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, a mixture of peach brandy and neutral spirits, had been substituted wholly for what the article, by its label and brand, purported to be, to wit, blended peach brandy. Misbranding was alleged for the reason that the product was labeled and branded as set forth above, so as to deceive and mislead the purchaser thereof, in that the label was calculated and intended to create the impression and belief in the

mind of the purchaser thereof that the product was a pure blend of peach brandies, whereas in truth and in fact it was not blended peach brandy, but was a mixture of unlike substances, to wit, of peach brandy and neutral spirits. Misbranding was alleged for the further reason that the label on the product bore statements regarding it and the ingredients and substances contained therein, which said statements, to wit "Peach Brandy," and "Blended Peach Brandy," were false and misleading, in that said statements purported and represented the product to be peach brandy or blended peach brandy, whereas in truth and in fact it was neither peach brandy nor blended peach brandy, but was in fact a mixture of unlike substances, to wit, peach brandy and neutral spirits.

On July 12 the defendants entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$14.65.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 5, 1912.*