

3731. Adulteration and misbranding of so-called cognac. U. S. v. $\frac{1}{8}$ Cask of * * * Cognac. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 5951. I. S. No. 1608-k. S. No. E-119.)

On September 24, 1914, the United States attorney for the District of Massachusetts, 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 $\frac{1}{8}$ cask, containing a product purporting to be cognac, remaining unsold in the original unbroken package at Boston, Mass., alleging that the product had been shipped by A. Blum Jr.'s Sons, New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled in part "Jas. Hennessy Cognac France."

Adulteration of the product was alleged in the libel for the reason that substances—to wit, neutral spirits—had been mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that said food upon said package and labels thereof bore a certain statement, design, and device regarding the ingredients and substances contained in said food, that is to say, the following words, "Jas. Hennessy Cognac France," which statement, design, and device was false and misleading because it would lead the purchaser to believe that said food consisted of cognac, and was the product of a foreign country, whereas, in truth and in fact, it was not cognac and was not the product of a foreign country.

On February 12, 1915, the said A. Blum Jr.'s Sons, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *April 16, 1915.*