

4537. Adulteration and misbranding of brandy. U. S. v. Fialla & Eppler, a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 6743. I. S. No. 21535-h.)

On October 13, 1915, 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 Fialla & Eppler, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 6, 1914, from the State of New York into the State of New Jersey, of a quantity of brandy which was adulterated and misbranded. The article was labeled: (Shoulder label) (Design three stars) "Edouard Rivière Brand." (Main label) "F & E Edouard Rivière Brand. Brandy (representation of grape vines and bunches of grapes) This brandy is made in California from carefully selected grapes and bottled under our own supervision. Guaranteed by Fialla & Eppler, New York, Under the Pure Food and Drugs Act, June 30, 1906. Serial Number 17231." (On metal cap) "E R Brand."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100° proof alcohol, unless otherwise stated:

Proof (degrees)-----	86.8
Total acids, as acetic-----	7.3
Esters, as acetic-----	12.2
Fusel oil-----	8.1

Paraldehyde test for caramel: Positive.

Sample consists wholly or largely of neutral spirits colored in imitation of brandy, but very little, if any, brandy is present.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, neutral spirits, artificially colored in imitation of brandy, had been mixed and packed therewith so as to reduce or lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for genuine brandy, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit "Brandy," borne on the label of the article, regarding it and the ingredients and substances contained therein, was false and misleading, in that it indicated that the article was genuine brandy, and was such as to deceive and mislead the purchaser into the belief that it was genuine brandy, whereas, in truth and in fact, it was not, but was a product composed, in whole or in part, of neutral spirits colored in imitation of brandy.

On October 18, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*