

4693. Adulteration and misbranding of raisin brandy. U. S. * * * v. Myer Margulis. Plea of guilty. Fine, \$10. (F. & D. No. 7112. I. S. No. 2744-k.)

On May 2, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Myer Margulis, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on February 5, 1915, from the State of Pennsylvania into the State of Massachusetts, of a quantity of raisin brandy which was adulterated and misbranded. The article was labeled: (Principal label) "Mount Ephraim Raisin Brandy Mount Ephraim Raisin Brandy Made Expressly For Easter Holidays Bottled and sealed by M. Margulis Philadelphia, Pa." (Hebrew characters which, when translated, read) "Mt. Ephraim Raisin Brandy for Passover Kosher." (Band) (Hebrew character which, when translated, read) "Mt. Ephraim for Passover Kosher White Raisin Brandy Philadelphia." (Rabbi's seal in wax on capsule.) (Sticker on back of bottle) "The contents of this bottle is a compound and modified especially for the Easter Holidays. The original name is a Biblical name and is named by M. Margulis. Guaranteed according to Pure Food Law of June 30th, 1906. Name registered."

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° alcohol, except when otherwise stated:

Proof at 60° F.....	98.8
Esters, as ethyl acetate.....	1.8
Acid, as acetic.....	1.8
Fusel oil, as amyl alcohol.....	1.8
The product is diluted neutral spirits.	

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

Misbranding was alleged for the reason that the statement, to wit, "Raisin Brandy," borne on the label of the article was false and misleading in that it represented that the article was raisin brandy, and for the further reason that it was labeled "Raisin Brandy," so as to deceive and mislead the purchaser into the belief that it was raisin brandy, whereas, in truth and in fact, it was not, but was a mixture composed largely of dilute spirits. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 8, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*