

6444. Adulteration and misbranding of banana brandy, liqueur banana type, and Abstina liqueur. U. S. * * * v. Victor Gautier & Co., a corporation. Plea of guilty. Fine, \$150. (F. & D. No. 8498. I. S. Nos. 6284-m, 6287-m, 12073-m.)

On January 24, 1919, 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 Victor Gautier & Co., a corporation, New York, N. Y., alleging the sale and delivery by said company, on or about November 25, 1916, in violation of the Food and Drugs Act, under a guaranty that the article was not adulterated or misbranded within the meaning of the said act, of quantities of banana brandy and liqueur banana type, which were misbranded articles within the meaning of the said act, and which said articles in the identical condition in which they were received were shipped by the purchaser thereof on or about November 28, 1916, and December 29, 1916, from the State of New York into the State of Maryland, in further violation of the said act. The information further alleged the shipment by said company on April 17, 1916, in violation of the Food and Drugs Act, from the State of New York into the State of Louisiana, of a quantity of Abstina liqueur which was adulterated.

Analysis of samples of the articles by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters, 100 proof, unless otherwise indicated:

BANANA BRANDY.

Alcohol (per cent by volume)-----	18.95
Solids (grams per 100 cc)-----	26.27
Acids as acetic-----	25.2
Esters as acetic-----	18.4
Aldehydes as acetic-----	1.5
Fusel oil-----	23.2
Furfural-----	None.

Colored with Naphthol Yellow S, S. & J. No. 4, and a bit of Orange I, S. & J. No. 85.

Decided flavor of amyl acetate.

Product is composed of dilute alcohol and sugar artificially colored and flavored.

LIQUEUR BANANA TYPE.

Alcohol (per cent by volume)-----	13.50
Solids (grams per 100 cc)-----	25.41
Acids as acetic-----	22.3
Esters as acetic-----	19.6
Aldehydes as acetic-----	2.0
Fusel oil-----	26.1
Furfural-----	None.

Colored with Naphthol Yellow S, S. & J. No. 4, and a trace of Orange I, S. & J. No. 85.

Decided flavor of amyl acetate.

Product is composed of diluted alcohol and sugar artificially flavored and colored.

ABSTINA LIQUEUR.

Thujone: Approximately 3.2 grams per liter, indicating the presence of a thujone bearing oil such as tansy oil.

Adulteration of the banana brandy was alleged in the information for the reason that an imitation banana cordial artificially colored had been substituted in whole or in part for banana brandy, which the article purported to be; and for the further reason that it was a product inferior to banana brandy prepared in imitation of banana brandy, and had been artificially colored so as to simulate the appearance of banana brandy, and in a manner whereby its inferiority to banana brandy was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Banana Brandy," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was banana brandy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was banana brandy, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored; and for the further reason that it was sold under the distinctive name of another article, to wit, banana brandy, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored.

Adulteration of liqueur banana type was alleged for the reason that an imitation banana cordial had been substituted in whole or in part for liqueur banana type, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Liqueur Banana Type," borne on the barrel containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was liqueur banana type; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was liqueur banana type, whereas, in truth and in fact, it was not, but was an imitation banana cordial artificially colored.

Adulteration of the Abstiná liqueur was alleged for the reason that it contained an added poisonous or deleterious ingredient, to wit, thujone, which might render the article injurious to health.

On February 11, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*