

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1248.

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

ADULTERATION AND MISBRANDING OF APRICOT BRANDY; MISBRANDING OF GINGER BRANDY.

On October 28, 1910, the grand jurors of the United States in and for the Northern District of California, after presentation by the United States Attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment in two counts to the United States District Court for said district against Schlesinger & Bender, a corporation, charging shipment by it, in violation of the Food and Drugs Act, on January 27, 1910, of a quantity of apricot brandy, from the State of California into the Territory of Arizona, which was adulterated and misbranded, and on September 15, 1909, of a quantity of ginger brandy, from the State of California into the District of Columbia, which was misbranded. The apricot brandy was labeled: "Extra Superfine De Luxe Marqué Déposée Apricot Brandy Cordialized Négociant Propriétaire Guaranteed Serial No. 2748." "Leon L. Moise." "This excellent tonic liqueur, when taken before or after meals, stimulates the appetite and aids digestion."

Analysis of a sample of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Specific gravity, 1.0601; alcohol (per cent by volume), 31.2 per cent; solids, 25.59 per cent; ash, 0.012 per cent; esters, as ethyl acetate (parts per 100,000), 98.7; fusel oil (parts per 100,000), 150.0; color by Lovibond $\frac{1}{2}$ " cell, 40.0; flavor and odor of esters of higher alcohols very pronounced. Adulteration was alleged in the indictment against this product for the reason that a substance, to wit, artificially flavored liqueur or cordial containing brandy, had been so mixed with said product as to reduce, lower, and injuriously affect its quality and strength, and said substance had been substituted wholly or in part for apricot brandy. Misbranding was alleged

against said product for the reason that it was represented on the label as "apricot brandy," when in fact it was not such, but a mixture of brandy and artificially flavored liqueur or cordial, which representation was false and misleading. Misbranding was further alleged for the reason that the name "Leon L. Moise" appearing on said label was false and misleading because said name was not the name of the manufacturer of said product, but was a fictitious name.

The ginger brandy was labeled: "Miller's California Golden Ginger Brandy. A sure and Rapid Cure for Cramps, Colic, Diarrhoea and Pains of Stomach and Bowels. The component of this Celebrated California Remedy is Golden Ginger Root. When mixed with alcoholic drinks it adds a delicious flavor. It is a desirable invigorative and is indispensable for family use. Schlesinger & Bender, Inc. Sole Proprietors, San Francisco, Calif. (Guaranty clause) Serial No. 2748."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain 21.60 per cent alcohol; solids, 7.93 per cent; ginger and capsicum. Misbranding was alleged against said product for the reason that it was represented on the label as a sure and rapid cure for the various complaints set forth in said label, which representation was false and misleading, because said product did not contain ingredients that were a sure and rapid cure for the complaints so set forth. Misbranding was further alleged for the reason that the quantity of alcohol contained in the product was not declared on the label.

On December 3, 1910, the defendant corporation pleaded guilty, and was fined \$25 on each count, or a total of \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 14, 1911.*