

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2253.

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

ADULTERATION AND MISBRANDING OF SO-CALLED APPLE BRANDY.

On November 11, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Old Spring Distilling Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on October 16, 1912, from the State of Ohio into the State of Alabama, of a quantity of so-called apple brandy which was adulterated and misbranded. The product was labeled: "Apple Brandy."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Proof (degrees corrected 60° F.), 95.7; solids (grams per 100 liters, 100 proof), 19.6; acids (grams per 100 liters, 100 proof), 7; esters (grams per 100 liters, 100 proof), 15.9; aldehydes (grams per 100 liters, 100 proof), 1.6; furfural (grams per 100 liters, 100 proof), 0.2; fusel oil (grams per 100 liters, 100 proof), 13; color, natural; residue from distillation, aging indicated. Adulteration of the product was alleged in the information for the reason that a certain substance, to wit, neutral spirits, had been substituted in part for what the product by its label and brand purported to be, to wit, apple brandy. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it, and the ingredients and substances contained therein, which said statement, to wit, "Apple Brandy," was false, misleading, and deceptive, in that said statement purported and represented the product to be a pure apple brandy, whereas, in fact, it was not so, but was in fact a mixture of unlike substances, to wit,

apple brandy and neutral spirits. Misbranding was alleged for the further reason that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that said label was calculated to convey the impression and create the belief in the mind of the purchaser that it consisted wholly of apple brandy, whereas, in truth and in fact, it was not apple brandy, but was a mixture of unlike substances, to wit, apple brandy and neutral spirits, said neutral spirits being from a source other than apples.

On November 14, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$25, with costs of \$14.35.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 25, 1913.*

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