

4434. Adulteration and misbranding of cognac. U. S. * * * v. Eugene Parisek Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6383. I. S. No. 9127-h.)

On June 30, 1915, the United States attorney for the Northern District of Illinois, 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 Eugene Parisek Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 3, 1913, from the State of Illinois into the State of Texas, of a quantity of cognac, which was adulterated and misbranded. The article was labeled: "E. P. Co. Trade Mark Jas. Hennessy & Co. Cognac Compounded with pure grain distillates Guaranteed under the National Pure Food and Drugs Act, June 30, 1906. Serial No. 8835 by Eugene Parisek Co., Chicago. Imported in wood from France." (Crescent-shaped sticker with three stars in gilt on neck of bottle.)

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:

Specific gravity at 15.6° C.....	0.9436
Alcohol (per cent by volume).....	45.40
Methyl alcohol: Absent.	
Proof (degrees).....	90.80
Solids, by drying (gram per 100 cc).....	0.42
Ash (gram per 100 cc).....	0.009
Acids, total, as acetic.....	17.2
Esters, as acetic.....	22.2
Furfural.....	0.2
Aldehydes, as acetic.....	2.2
Color (degrees Lovibond in $\frac{1}{2}$ -inch cell).....	8
Color insoluble in amyl alcohol (per cent).....	20
Fusel oil (Allen & Marquardt method).....	29
Paraldehyde test: Negative.	
Coal-tar dye: None.	

Product consists largely of neutral spirits.

Adulteration of the article was alleged in the information for the reason that a product consisting of neutral spirits had been substituted, wholly or in part, for cognac brandy, which the article purported to be.

Misbranding was alleged for the reason that the representation of three stars on the neck label and the statement "Jas. Hennessy & Co. Cognac," appearing in prominent type on the principal label aforesaid, which was not corrected by the statement "Compounded with pure grain distillates," in inconspicuous type immediately thereafter, and the further statement appearing on the principal label "Imported in wood from France," were false and misleading in that they indicated to the purchasers thereof that the said article was genuine cognac brandy and was imported from the Cognac district, Republic of France, and deceived and misled the purchasers thereof into the belief that it was genuine cognac brandy and was imported from the Cognac district, Republic of France, when, in truth and in fact, it was not genuine cognac brandy and had not been imported from the Cognac district, Republic of France, but was an imitation product of domestic origin and was manufactured in the city of Chicago, State of Illinois. Misbranding was alleged for the further reason

that the article was an imitation cognac brandy, consisting, in whole or in part, of neutral spirits, and was sold under the distinctive name of another article, to wit, cognac brandy.

On October 22, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4435. Adulteration of tomato paste, tomato pulp, and tomato sauce. U. S. v. Vesuvian Preserving Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6386. I. S. Nos. 7506-h, 7814-h, 7842-h.)

On November 15, 1915, the United States attorney for the District of New Jersey, 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 Vesuvian Preserving Co., a corporation, Vineland, N. J., alleging:

(1) Shipment by said company, in violation of the Food and Drugs Act, on or about November 26, 1912, from the State of New Jersey into the State of New York, of a quantity of tomato paste which was adulterated. This article was labeled: (On retail can) "Eagle Brand Tomato Paste Made from Tomato Trimmings (Design of eagle.) Directions. For one pound of Macaroni use one teaspoonful of this Conserva dissolved in warm water or broth. A sauce thus obtained is used also for roast meats, stews, etc., etc. It gives your dishes a fine and appetizing flavor. Modo di Usarla. Per una libbra di maccheroni usare un cucchiaino da caffè di questa conserva sciolta in acqua calda o brodo. La salsa così ottenuta è indicatissima per carne arrostita, stufati, ecc., ecc. Conserva di Pomodoro Marca Aquila Vesuvian Preserving Co. Vineland, N. J. (Design of red ripe tomato) Questa conserva è puro estratto di pomidori prodotti da semi Italiani. È manifatturata coi più moderni sistemi scientifici sotto la direzione del Cav. Salvatore Misuraca già direttore tecnico della Società Industriale Meridionale di Castellammare di Stabia." (On one end stamped in tin) "Vesuvian" (On other end stamped in tin) "Sanitary." (Shipping package) "Eagle Brand Tomato Paste Vesuvian Preserving Co., Vineland, N. J."

Examination of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Sample No.	Yeasts and spores per $\frac{1}{8}$ cmm.	Bacteria per cc.	Mold filaments present in per cent of microscopic fields.
1.....	400	850,000,000	<i>Per cent fields.</i> 66
2.....	600	1,000,000,000	82

(2) The sale by said company, on or about October 4, 1913, under a guaranty that the article was not adulterated or misbranded, of a quantity of tomato pulp which was an adulterated article within the meaning of the Food and Drugs Act, and which said article, in the identical condition in which it had been received, was unlawfully shipped by the purchaser thereof, on or about February 20, 1914, from the State of New Jersey into the State of Louisiana. This article was labeled, in part: "Vesuvian Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings. Vesuvian Preserving Co., Vineland, N. J. Contents 10 oz. Vesuvian Brand VPCo. Trade Mark Packed by Vesuvian Preserving Co., Vineland, N. J." (On shipping case) "48 Tins No. 1 10 ozs. Net Each Vesuvian Brand Tomato Pulp Packed by Vesuvian Preserving Co; Vineland, N. J."