

5823. Adulteration and misbranding of brandy. U. S. * * * v. The I. Trager Co., a corporation. Plea of guilty. Fine, \$50 and costs.
(F. & D. No. 8328. I. S. No. 12170-m.)

On August 18, 1917, 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 I. Trager Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 8, 1917, from the State of Ohio into the State of New York, of a quantity of an article, labeled in part, "California Brandy," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, reported in grams per 100 liters, 100 proof alcohol, except when otherwise stated:

Proof (degrees)-----	85.0
Acids, total, as acetic-----	4.2
Esters as acetic-----	26.9
Aldehydes as acetic-----	2.2
Fusel oil-----	12.5
Caramel-----	Positive.

Neutral spirits, artificially colored, have been substituted in part for brandy.

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

Misbranding was alleged for the reason that the statement borne on the label, regarding the article and the ingredients and substances contained therein, to wit, "California Brandy," was false and misleading in that it represented to purchasers that the product was California brandy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the product was California brandy, whereas, in truth and in fact, it was not, but consisted largely of neutral spirits, artificially colored, and this false and misleading statement and deceptive and misleading labeling were not corrected by the statement, "Compounded With Grain Distillate Brandy," appearing on the reverse end of the barrel.

On October 9, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*