

region. A mere "dash" to the pole may awaken a certain amount of sentimental interest, and direct public attention to the traveller, but it is of no value from the scientific point of view unless exploration—physical or geographical—is carried on. Commander Peary appears to have been equipped with apparatus for taking soundings and making other observations of polar conditions, and he has telegraphed to the director of the American Museum of Natural History, New York, "I am bringing a large amount of material for the museum." The scientific importance of polar expeditions must be judged by the new knowledge obtained rather than by the determination of a mathematical point more or less accurately according to the instruments used and precautions taken. Assuming that the North Pole has been reached by one or both the explorers, the way is now clear for the scientific study of Arctic hydrography, meteorology, and many other problems of terrestrial physics without the disturbing effort to attain the highest latitude.

#### THE WHISKEY COMMISSION.

THE Royal Commission on Whiskey and other Potable Spirits, the final report of which has just been issued, originated out of the attempts made by various local authorities to obtain legal decisions as to what should or should not constitute brandy and whiskey. In the case of the other recognised forms of ordinary potable spirits, no acute differences of opinion appear to have arisen. When a man asked for rum or gin the legal mind representing the man in the street was content to assume that that long-suffering individual received an article of the nature, substance, and quality he demanded. As a matter of fact, the man in the street raised no difficulty even about the two forms of potable spirits which have more particularly engaged the prolonged attention of the Royal Commission. He had absolutely no interest in the touching solicitude which was displayed on his behalf by a number of professional gentlemen, who, apparently from purely altruistic motives, were determined that he should be awakened to a proper sense of the importance of knowing the origin and mode of manufacture of articles which he had hitherto been perfectly content to purchase because he was satisfied with their quality and price.

What is brandy and what is whiskey have been the occasional subjects of discussion in the public journals and in the trade organs at intervals during the past three or four years, but it has been impossible to arouse any public feeling on these momentous questions. The fact is, the agitation, such as it was, was wholly artificial. It simply originated in, and turned upon, a struggle between competing trade interests. Brandy, by use and wont, has been universally regarded as a spirit obtained by the distillation of fermented grape-juice; whiskey as a spirit obtained by the distillation of a fermented "wash" derived from some form of cereal, usually, but not invariably or wholly, malted barley. But owing to the unfortunate grape disease (*Phylloxera*) which, a generation ago, devastated the French vineyards, especially in the Charentes, where the particular grapes mainly employed in the manufacture of Cognac are grown, the manufacture of factitious brandy was greatly stimulated. This consisted of some form of distilled spirit—obtained usually from grain, or from beetroot molasses, or, occasionally, from potatoes, artificially flavoured with "brandy essence" and coloured with caramel. This article entered into competition, not only with the genuine product, but with a factitious brandy "drawn and made from malted corn," which

has been produced for more than a couple of centuries in this country under the name of "British brandy," a term first legally sanctioned by the Spirits Acts of 1860. In due time the vineyards were re-planted, the Charente vines being grafted on American stocks, and the manufacture of Cognac by the time-honoured methods was re-established. Naturally the manufacturers contended that their product was the only legitimate brandy, and that the factitious articles were not entitled to the name of Cognac, or when sold in this country to the term brandy, unless this was qualified, as in the case of "British brandy," by some prefix which should serve to differentiate it from the product of the grape.

This, then, as regards brandy, is the *fons et origo* of the trouble. It was useless for the contending parties to appeal to our law, since, as the Commission states, there is no statutory definition of the term "brandy"; nor is there any binding judicial decision on the subject. The 148th Section of the Spirits Act of 1860, it is true, contained an implied definition of "British brandy," which would have covered the case of all factitious brandies sold in this country, whether made here or not, but this was repealed in 1880, so that there is no longer a legal definition even of "British brandy."

As regards whiskey, the cause of contention was not so much the nature of the material from which the spirit was derived, although this did to some extent enter into consideration, as the manner in which the distillation was effected. Originally all whiskey was made by means of comparatively small stills—of the type known as pot-stills—in which the fermented wort was distilled by the direct application of fire. But about the year 1831, Eneas Coffey invented and patented a form of still adapted for continuous working, in which the alcohol is driven out of the wort by means of steam, and the mixture of steam and spirit is then separated by an ingeniously contrived condensing or rectifying arrangement which enables a much "cleaner" spirit to be produced—that is, a spirit much more free from what are held to constitute the characteristic constituents of whiskey, as distinguished from plain spirit. This process not only resulted in the production of a purer form of alcohol—that is, purer in the sense commonly understood by chemists—but it was more economical in use, and consequently materially cheapened the cost of production. This, of course, made the "patent still" a formidable competitor of the "pot-still," and those who had a vested interest in the pot-still naturally complained that this interest was jeopardised by the employment of a piece of apparatus which might make alcohol, but, it was contended, did not necessarily make whiskey.

In the autumn of 1905 the Islington Borough Council was induced to bring two test cases before a London stipendiary under Section 6 of the Sale of Food and Drugs Acts, in one of which it was held that a certain publican had sold, to the prejudice of a purchaser who demanded Irish whiskey, something which was not of the nature, substance, and quality of Irish whiskey; and, in the other, that another publican had sold, to the prejudice of a purchaser who demanded Scotch whiskey, something which was not of the nature, substance, and quality of Scotch whiskey. In each case the analyst had certified that what was sold as whiskey "consisted entirely of patent-still, silent or neutral spirit," and was not, therefore, in his opinion, whiskey.

The learned magistrate ruled that patent-still spirit alone is not whiskey; and that the produce of a patent still cannot be Irish or Scotch whiskey, although made in Ireland or Scotland. He further held that

Irish whiskey was to be made from a mixture of 75 per cent. of barley malt, with 25 per cent. of barley, wheat, oats or rye, or any of them; whereas Scotch whiskey was to be made wholly from barley malt. He specifically excluded maize, which is frequently used in connection with the patent still, as a cereal from which whiskey may be made. Accordingly he convicted the defendants as having sold articles to the prejudice of the purchaser.

Attempts were made to upset the convictions by appeals to quarter sessions, but the trials proved abortive. Whiskey manufacturers took a very serious view of the position in which they were thus placed, and eventually they induced the authorities to issue a Royal Commission to determine whether, in the general interest of the consumer, or in the interest of the public health, or otherwise, it is desirable (a) to place restrictions upon the materials or the processes which may be used in the manufacture or preparation in the United Kingdom of Scotch whiskey, Irish whiskey, or any spirit to which the term whiskey may be applied as a trade description; (b) to require declarations to be made as to the materials, processes of manufacture or preparation, or age of any such spirit; (c) to require a minimum period during which any such spirit should be matured in bond; (d) to extend any requirements of the kind mentioned in (b) and (c) to any such spirit imported into the United Kingdom; and, lastly, to make the like inquiry as regards other kinds of potable spirits which are manufactured in or imported into the United Kingdom.

It should be stated that the terms of the reference relating to public health arose from the character of the evidence needed to establish the count of "prejudice to the consumer," without which it would have been impossible to have obtained a conviction under Section 6 of the Food and Drugs Acts.

The real nature of the issues to be determined was at once seen from the character of the criticisms which were passed, mainly by Irish distillers or their representatives, on the constitution of the Commission. As a fact, the *personnel* of the Commission was very carefully chosen, and every legitimate interest was adequately represented. The printed evidence proves how competent the members were to inquire into the somewhat complicated questions which were raised, and how carefully and how impartially they sifted and weighed the statements of avowedly interested witnesses. It was, of course, to be expected that their findings would not give universal satisfaction, but every fair-minded critic will admit that they have been arrived at in good faith, and are abundantly justified by the weight of the evidence.

As regards the materials to be used in the manufacture of whiskey, the commissioners find no ground for any interference with existing practice. The contention that Irish or Scotch whiskey should alone be produced from cereals actually grown in those respective countries, or even from cereals capable of being grown there, found no favour in their eyes. Of course, the contention was really aimed at the exclusion of maize, which is largely used in the manufacture of patent-still spirit. The commissioners see no valid reason for excluding maize. There is no evidence to show that it is not a perfectly wholesome material, or that the spirit derived from it is not as wholesome as that derived from any other cereal.

Nor as regards processes of manufacture, that is, modes of distillation, does any sufficient ground exist, in the opinion of the commissioners, for any interference with established procedure. To have supported Mr. Fordham's finding would have effected nothing short of a revolution in the manufacture of whiskey, inasmuch as nearly two-thirds of the potable

spirits produced at the present time in Scotland and Ireland are distilled in patent stills. Moreover, spirit produced in the patent still has long been employed for blending with or diluting whiskeys distilled in other forms of still, and most of the whiskey now sold in the United Kingdom contains more or less spirit which has been obtained by the patent still. Lastly, no evidence was tendered to show that the form of still had any necessary relation to the wholesomeness of the spirit produced.

Suggestions were made to the Commission either to "standardise" the mash or to "standardise" the blend with a view of ensuring that at least a certain minimum proportion of pot-still whiskey should ultimately find its way into the whiskey as sold, but here again the commissioners saw no reason to interfere with the discretion of the blender. In their opinion "the proportion of the different whiskeys to be employed in these blends is controlled by an influence stronger than that of the law. The taste of the consumer creates the demand which ultimately controls the trade. The public purchases the whiskey that meets its taste, and the blender must satisfy that taste or lose his trade. It is not for the State to say what that taste ought to be."

The general conclusion which the commissioners came to was that "'whiskey' is a spirit obtained by distillation from a mash of cereal grains saccharified by the diastase of malt; that 'Scotch whiskey' is whiskey, as above defined, distilled in Scotland; and that 'Irish whiskey' is whiskey, as above defined, distilled in Ireland." It is difficult to see how the commissioners could have escaped reaching this luminous and oracular conclusion. At the same time, to the scoffer the whole business is eminently suggestive of one of Molière's comedies. Monsieur Jourdain would have been profoundly impressed by the strict logic and admirable lucidity of such a finding.

After this the question of brandy, as may be anticipated, presented little or no difficulty. The commissioners define brandy as a potable spirit manufactured from fermented grape-juice, and from no other materials, and that the determination of the application of the term in this country cannot be controlled by the nature of the apparatus or process used in the distillation of the spirit. They are further of opinion that the compounded spirit long recognised by the name of British brandy is entitled still to be so named and sold as "British brandy."

The limitations of space preclude any attempts to deal with the other and less important matters dealt with in this report, but the general tenor of the conclusions in respect to these is on a par with the *laissez-aller* tone which pervades the whole.

As might have been expected, the report has not been received with a unanimous chorus of approval, and the Irish distillers, in particular, have not been slow to express their dissatisfaction. But it is to be hoped that on reflection even they will be led to the conviction that the conclusions to which the commissioners have been led represent the common-sense of the question. The conflict of the stills is one more illustration of the inevitable result of what is called the "march of improvement" in which a time-honoured process has eventually to succumb, by the mere force of circumstances, to the economic pressure of a mode of manufacture based upon more rational principles. The commissioners have evidently been fully alive to this aspect of the problem which has been presented to them. At all events, they have shown themselves as not unmindful of the advice of the old merchant, who, being consulted by Colbert about what he should do in favour of trade, said, "*Laissez nous faire.*"

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