

Issued February 23, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 169, FOOD AND DRUGS ACT.

### MISBRANDING OF VINEGAR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of Regulation 6 of the Rules and Regulations for the enforcement of the Act, notice is given that on the 18th day of August, 1909, in the District Court of the United States for the Middle District of Alabama, judgment was entered in the below entitled case, wherein a libel was filed under section 10 of the aforesaid Act, alleging in substance: That 26 half-barrels of vinegar, labeled on one head "Four Year Old Vinegar," and upon another head, in small letters, "Pure Distilled Vinegar, Colored," which had been shipped by Knadler & Lucas, from Louisville, Kentucky, to the M. O. Carroll Grocery Company, at Ozark, Alabama, and there found in original unbroken packages, were misbranded in the following particulars:

The labels on each of said half-barrels bore a statement regarding the ingredients or substances contained therein, which statement was false and misleading in this, that said label represented the contents of said half-barrels to be "Four Year Old Vinegar," when in truth and in fact, said half-barrels contained distilled vinegar below standard and colored with caramel. The libel prayed process against all claimants to the said 26 half-barrels of vinegar, and seizure and condemnation of the same.

No claimants having appeared to make answer to the libel, the Court found for the Libelant and rendered the following decree:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE SOUTHERN DIVISION  
OF THE MIDDLE DISTRICT OF ALABAMA.

THE UNITED STATES, (*Libelant*)  
v.  
TWENTY-SIX ONE-HALF BARRELS OF VINEGAR. } No. 5.

And now on the 18th day of August, 1909, at a term of said court at Dothan, Alabama, said cause came on for trial, and it appearing to the court that upon

libel filed herein, monition and warrant of arrest were duly issued and served on the 21st day of April, 1909, and that by virtue of said warrant the marshal had seized and now holds in the original packages, twenty-four (24) half barrels of vinegar branded as follows, to-wit: on one head "Four-year-old vinegar, Knadler & Lucas, Louisville, Kentucky, and Norfolk, Virginia," and upon the other head of said half-barrels appears in small letters, "Pure distilled grain vinegar, colored," which was seized at Ozark, Alabama, in this division of the Middle District of Alabama, while in the possession of the M. O. Carroll Grocery Company; and it further appearing that said Carroll Grocery Company and all others were duly warned to appear in this court on the first Monday in June, 1909, if that were a day of jurisdiction, and if not, then on the first day of jurisdiction, then and there to interpose any claim they might have in and to said property, and to appear and answer the libel; and that notwithstanding said seizure, monition and warning no one has appeared to claim said twenty-four (24) half-barrels of vinegar, or any interest therein, and said cause having been duly called, thereupon, the court heard evidence as to the character of the contents of said twenty-four (24) half-barrels, and after due consideration, finds that the allegations of the libel filed in this cause are proved and established as true, and that the said barrels in which the vinegar is contained are and have been misbranded within the meaning and intent of the Act of Congress in such case made and provided, and that said vinegar was shipped from Louisville, in the State of Kentucky, to Ozark, in the State of Alabama and was transported in interstate commerce, and still remains in the original packages; and that said vinegar is of no value for food and contains substances deleterious to health:—

Whereupon, it is Ordered, Adjudged, and Decreed that said twenty-four (24) half-barrels of vinegar are hereby declared to be misbranded in violation of the Act of Congress in such case made and provided, and they are hereby condemned and forfeited, and it is further ordered, as said twenty-four (24) half-barrels of vinegar are not fit for food, and contain matter deleterious to health that the marshal destroy said twenty-four (24) half-barrels of vinegar and the contents thereof as soon as practicable.

The facts which led to the filing of the libel were as follows:

During the month of April, 1909, an inspector of the United States Department of Agriculture found in the possession of the M. O. Carroll Grocery Company, at Ozark, Alabama, 26 half-barrels of vinegar labeled as above described, which had been shipped to the said company on or about March 6th, 1909, by the firm of Knadler & Lucas, from Louisville, Ky. The sample taken from the above consignment was analyzed in the Bureau of Chemistry of the United States Department of Agriculture, with the following results:

Solids.....	0. 428
Nonsugar solids.....	. 328
Reducing sugar invert.....	. 1008
Polarization direct.....	. 9
Ash.....	. 076
Ash soluble in water.....	. 048
Ash insoluble in water.....	. 028
Alk. insol. ash, cc N. 10 acid 100 cc.....	8. 8
Sol. phos. acid, mgs per 100 cc.....	1. 85
Insol. phos. acid, mgs per 100 cc.....	1. 36

Acid, as acetic.....	3.24
Volatile acid, as acetic.....	3.22
Fixed acid, as malic.....	.020
Lead precipitate.....	None
Color removed by Fuller's earth.....	All
Ratio of ash to nonsugar solids.....	4.31

In the opinion of the Department of Agriculture, vinegar or cider vinegar is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples and contains not less than four grams of acetic acid in 100 cubic centimeters. The above analysis having disclosed a misbranding of the product, the Secretary of Agriculture, on April 16, 1909, reported the facts to the United States Attorney for the Middle District of Alabama, who filed the above libel, with the results hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 28, 1910.*