

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 189, FOOD AND DRUGS ACT.

ADULTERATION AND 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 27th day of August, 1909, in the District Court of the United States for the Eastern District of Michigan, in a prosecution by the United States against the Gordon Vinegar Company, a corporation of Pontiac, Mich., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Michigan to Ohio an adulterated and misbranded vinegar, the said Gordon Vinegar Company entered a plea of *nolo contendere* and the court sentenced it to pay the costs of the case.

The facts in the case were as follows:

On February 18, 1909, an inspector of the Department of Agriculture purchased from the W. W. Harper Company, Zanesville, Ohio, a sample of a food product labeled: "Gordon Vinegar Co. 46. Apple Cider Vinegar. Fermented. Pontiac, Mich.", which was part of a shipment made by the Gordon Vinegar Company from Pontiac, Mich., to the said W. W. Harper Company on or about December 26, 1908. The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and the following results obtained and stated:

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| Solids..... | 1.91 |
| Reducing sugar invert..... | 1.16 |
| Per cent sugar in solids..... | 60.8 |
| Polarization, direct, temp. °C. 26 and 20..... | -2.6 |
| Polarization, invert, temp. °C. 26..... | -2.6 |
| Ash..... | 0.26 |
| Alk. sol. ash (cc N/10 acid per 100 cc)..... | 29.1 |
| Sol. phos. acid (mgs. per 100 cc)..... | 1.5 |
| Insol. phos. acid., (mgs. per 100 cc)..... | 11.1 |
| Acid, as acetic (wines tartaric)..... | 4.64 |
| Volatile acid, as acetic..... | 4.64 |
| Fixed acid, as malic (wines, tartaric)..... | 0.0 |
| Lead precipitate..... | Small. |
| Color, degrees, brewer's scale 0.5 in..... | 4.0 |
| Color removed by Fuller's earth (per cent)..... | 65.0 |
| Ash in solids (per cent)..... | 13.9 |
| Salicylates and benzoates..... | Negative. |
| Ratio $\frac{P_2O_5 \text{ water sol.}}{P_2O_5 \text{ total}}$ (per cent)..... | 11.9 |

Vinegar, cider vinegar, apple vinegar, as recognized by reliable manufacturers and dealers, is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples. The analysis of the aforesaid sample disclosed that it contained dilute acetic acid, or distilled vinegar, and a foreign material high in reducing sugars. Hence the article was adulterated within the meaning of section 7 of the act in that a mixture of dilute acetic acid, or distilled vinegar, and a foreign material high in reducing sugars had been substituted wholly or in part for the vinegar which it purported to be, and was misbranded within the meaning of section 8 of the act in that it was labeled "Apple Cider Vinegar", which statement was false, misleading, and deceptive because it was not an apple cider vinegar, but a mixture of dilute acetic acid, or distilled vinegar, and a foreign substance high in reducing sugars.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to the W. W. Harper Company, the dealer from whom the sample was procured, and also to the Gordon Vinegar Company, the manufacturer and shipper, and gave them an opportunity to be heard. The Gordon Vinegar Company being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on July 26, 1909, the said Secretary reported the facts and evidence to the Attorney-General, by whom they were referred to the United States Attorney for the Eastern District of Michigan, who filed an information against the Gordon Vinegar Company, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1910.*