

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1184.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF VINEGAR.

On March 14, 1911, the United States Attorney for the District of New Jersey, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 30 barrels of vinegar in the possession of D. P. Forst & Co. (Inc.), Trenton, N. J. The product was labeled: "Fermented Syrup Vinegar, from H. Erdmann's Sons, 1810 Frankford Avenue, Phila. Pa."

Analysis by the Bureau of Chemistry of the United States Department of Agriculture of a sample of said product showed the following results:

	Grams per 100 cc.
Solids.....	2.53
Reducing sugar, direct.....	1.43
Reducing sugar, invert.....	1.66
Polarization, direct, temperature 20° C.....	0.0
Ash.....	.47
Ash, insoluble in water.....	.04
Alkalinity of soluble ash (cc N/10 acid, 100 cc).....	4.0
Soluble phosphoric acid (mgs per 100 cc).....	0.0
Insoluble phosphoric acid (mgs per 100 cc).....	3.9
Acid, as acetic.....	4.32
Color removed by fuller's earth (per cent).....	70
Color, degrees, brewer's scale (0.5 in. cell).....	6
Chlorin as sodium chlorid.....	.34

The libel alleged that the vinegar, after transportation from the State of Pennsylvania into the State of New Jersey, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged in that a substance, to wit, distilled vinegar, artificially colored, had

been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for said article, and further because said article had been colored in a manner whereby its inferiority was concealed. Misbranding was alleged because said article was in imitation of and sold under the distinctive name of another article, to wit, fermented syrup vinegar, when in fact it was a distilled vinegar, artificially colored, and the statement on the label was therefore false and misleading.

On April 4, 1911, H. Erdmann's Sons appeared as claimants and filed their answer denying generally the allegations of the libel. On May 23, 1911, the said cause coming on for hearing, the court entered the following decree:

“And now May 23rd, 1911, the above cause being moved for trial by Walter H. Bacon, Esq., Assistant United States Attorney and H. Erdmann's Sons, claimants, by William A. Hayes, their attorney, stating to the court that the said claimants would obliterate the present branding on said thirty barrels vinegar, to wit, Fermented Syrup Vinegar, and rebrand the said as follows: (which form of rebranding is satisfactory to the United States) “Fermented Syrup and Distilled Vinegar Compound—Natural Color” and would pay the cost of said libel proceedings and execute and deliver a good and sufficient bond to the effect that said articles, to wit, Thirty barrels Vinegar, should not be resold or otherwise disposed of, contrary to the provisions of the Act of Congress approved June 30th 1906, or the laws of any State, territory, district or insular possession, the court doth order and direct that upon such obliteration and rebranding of the said thirty barrels vinegar, the payment of the costs and the execution and delivery of the bond of said H. Erdmann's Sons and Hugh D. Trout in the sum of One Hundred Dollars, that the said thirty barrels vinegar be delivered to the H. Erdmann's Sons.”

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 31, 1911.*