

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1298.

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

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 22, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 100 barrels of vinegar in the possession of A. M. Richter & Son, Manitowoc, Wis. The product was labeled: "Guaranteed cider vinegar—4½ per centum, Spielmann Brothers Co., Mfrs. 1520;" and other end: "R. Manitowoc, Wisc."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Solids (grams per 100 cc), 1.69; nonsugar solids (grams per 100 cc), 0.97; reducing sugar invert after evaporation (grams per 100 cc), 0.72; ash (grams per 100 cc), 0.39; total phosphoric acid (mg per 100 cc), 24.4; total acid, as acetic (grams per 100 cc), 4.47; volatile acid, as acetic (grams per 100 cc), 4.46; fixed acid, as malic (grams per 100 cc), 0.01; glycerine (grams per 100 cc), 0.15; pentosans (grams per 100 cc), 0.08; alkalinity of soluble ash (cc of N/10 acid), 40; per cent of sugar in solids, 42.6; polarization direct 27.4° C., -0.9° V.; lead precipitate, good; ash in solids, 23 per cent; color in degrees on 0.5 inch brewer's scale, 4. The libel alleged that the vinegar, after shipment by Spielmann Bros. Co., Chicago, Ill., from the State of Illinois into the State of Mississippi, 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 for the reason that a substance, to wit, distilled vinegar, had been mixed and packed with the product so as to reduce

or lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Misbranding was alleged for the reason that the product was an imitation of cider vinegar and was sold under the distinctive name of "Guaranteed cider vinegar—4½ per centum" when in fact said vinegar was not cider vinegar but consisted wholly or in part of a mixture of dilute acetic acid. Misbranding was further alleged because the label bore the statement "Guaranteed cider vinegar" in such form and was displayed in such manner as to give the impression that the product was pure cider vinegar when in fact an unlike substance, to wit, distilled vinegar, had been intermingled therewith and substituted wholly or in part for said vinegar; the statements on the label were therefore false and misleading and calculated to mislead and deceive the purchaser.

On September 9, 1911, no one having appeared as claimant, the court found the product to be misbranded, and condemned and forfeited it to the United States, ordering it to be disposed of by the marshal, with the proviso that in case the marshal could not dispose of the product by sale, in that event the vinegar should be destroyed.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 22, 1912.*