

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1363.

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

MISBRANDING OF VINEGAR.

On October 25, 1910, the grand jury of the United States, within and for the First Judiciary District of the Territory of Arizona, on presentation by the United States Attorney for said district, acting upon a report of the Secretary of Agriculture, returned an indictment to the United States District Court for said district against Sharp-Elliott Manufacturing Co., a corporation, El Paso, Tex., charging the manufacture and misbranding in the Territory of Arizona by said concern, on or about June 5, 1909, of 40 gallons of liquid food, in imitation of vinegar, which the said defendant then and there designated and declared to be vinegar, by placing a label or brand on the barrel which contained said liquid food, which said label or brand so placed upon the barrel was in the words following, to wit, "Fine flavored table vinegar. A superior article for table use. A delicious flavored vinegar, fortified with 90 grains strength of 80% pure Acetic acid "Vinegar Sour," colored with burnt sugar. Sharp-Elliott Mfg. Co., El Paso, Texas."

Analysis 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), 0.39; non-sugar solids (grams per 100 cc), 0.30; reducing sugar as invert (grams per 100 cc), 0.09; polarization, direct, $+0.4^{\circ}$ V; ash (grams per 100 cc), 0.036; alkalinity of water soluble ash (cc N/10 acid per 100 cc), 3; color removed by fuller's earth, 66 per cent; soluble phosphoric acid, none; insoluble phosphoric acid, trace; total acid, as acetic (grams per 100 cc), 7.67; fixed acid, as malic, none; lead precipitate, trace; color, degrees brewer's scale, 0.5 in., 12. The indictment charged the misbranding of the said product as follows: Which said label or brand so as aforesaid placed upon the said barrel, which contained such liquid food, substance and compound, indicates and declares that the said liquid food, substance and compound, contained in said

barrel, so manufactured, in imitation of vinegar, as aforesaid, and branded as aforesaid, by said defendant, contained all the congeneric substances of vinegar obtained by the acetous fermentation of fruit; and that the said label or brand so placed upon said barrel by said defendant as aforesaid, was then and there false and misleading, and calculated and intended to deceive the purchaser thereof, in that said liquid food, substance and compound, so manufactured in imitation of vinegar as aforesaid by said defendant, was not vinegar, but was and is in truth and in fact, an imitation of vinegar, and that the said liquid food, substance and compound, contained in said barrel so manufactured and branded as aforesaid, was then and there composed of a dilute solution of acetic acid, colored with burnt sugar, and then and there the same was offered for sale, under the distinctive name of another article, to wit, vinegar.

On May 3, 1911, the defendant company entered a plea of guilty and was fined \$100.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 30, 1912.*

1363

