

3877. Adulteration and misbranding of so-called pure cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 3289. I. S. No. 17182-c.)

On April 26, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 10, 1914, an amended information, against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on February 11, 1911, from the State of Illinois into the State of Kentucky, of a quantity of so-called pure cider vinegar which was adulterated and misbranded. The product was labeled "Pure Cider Vinegar, 4 per centum."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Solids.....	1. 57
Reducing sugars, direct.....	0. 55
Reducing sugars, invert.....	0. 57
Polarization, direct, at 20 °C. (°V.).....	-0. 8
Ash.....	0. 32
Water-insoluble ash.....	0. 02
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc).....	35. 2
Water-soluble P ₂ O ₅ (mg per 100 cc).....	14. 2
Water-insoluble P ₂ O ₅ (mg per 100 cc).....	6. 6
Total acid as acetic.....	4. 06
Fixed acid as malic.....	0. 007
Alcoholic precipitate.....	0. 103
Pentosans.....	0. 077
Glycerol.....	0. 11
Alcohol (per cent by volume).....	0. 0

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect its quality and strength; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food aforesaid; and for the further reason that said dilute solution of acetic acid known as distilled vinegar had been substituted in part for the article of food aforesaid. Misbranding of the product was alleged for the reason that each of the barrels containing the product bore a label in words and figures as follows, to wit, "Pure Cider Vinegar, 4 per centum," which said statement in the label appearing on each of the barrels was false and misleading in that said statement represented to the purchaser that the article of food aforesaid was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar; further, for the reason that said statement in the label appearing on each of the barrels misled and deceived the purchaser in that said statement represented to the purchaser that the article of food aforesaid was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and added ash material made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs. On September 15, 1914, the judgment of August 7 was vacated, and the court imposed a fine of \$150 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*