

3900. Adulteration and misbranding of so-called apple juice vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 4511. I. S. No. 16884-d.)

On July 31, 1914, 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 against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 25, 1911, from the State of Illinois into the State of Oklahoma, of a quantity of so-called apple juice vinegar, which was adulterated and misbranded. The product was labeled: "First Pick Brand Apple Juice Vinegar Packed for Carroll-Brough & Robinson, Oklahoma City, Okla. Clinton, Okla." (On neck) "First Pick Brand." (Picture of chicks.)

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:

Alcohol.....	None.
Glycerol.....	0.08
Solids.....	1.62
Nonsugar solids.....	0.82
Reducing sugar, invert after evaporation.....	0.80
Sugar in solids (per cent).....	49.38
Ash.....	0.42
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	44.60
Total phosphoric acid (mg per 100 cc).....	27.3
Acid, as acetic.....	5.48
Fixed acid, as malic.....	0.01
Ash in nonsugar solids (per cent).....	51.22

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 a product high in reducing sugars and foreign mineral matter, had been substituted wholly for pure apple vinegar; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter, had been substituted in part for pure apple vinegar. Misbranding was alleged for the reason that each of the bottles containing the article of food bore a label in words and figures as follows, to wit, "First Pick Brand Apple Juice Vinegar Packed for Carroll-Brough & Robinson, Oklahoma City, Okla. Clinton, Okla." (On neck) "First Pick Brand." (Picture of chicks), which said statement appearing on each of the bottles was false and misleading in that said statement represented to the purchaser that the article of food aforesaid was pure apple vinegar, conforming to the commercial standard for such article of food, whereas, in truth and in fact, the bottles did not contain pure apple vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter. Misbranding was alleged for the further reason that said statement appearing on each of the bottles misled and deceived the purchaser in that said statement represented to the purchaser that the article of food was pure apple vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, the bottles did not contain pure apple vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a product high in reducing sugars and foreign mineral matter.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*