

5650. Adulteration and misbranding of vinegar. U. S. * * * v. Haarmann Vinegar & Pickle Co., a corporation. Plea of guilty. Fine, \$40 and costs. (F. & D. No. 7439. I. S. Nos. 10303-l, 14177-k, 10305-l, 14073-k.)

At the September, 1916, term of the District Court of the United States for the District of Nebraska, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against the Haarmann Vinegar and Pickle Co., a corporation, Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 13, 1915, July 9, 1915, June 15, 1915, and June 4, 1915, from the State of Nebraska into the State of Iowa, of quantities of vinegar which was adulterated and misbranded. The article in the shipment on July 13, 1915, was labeled, in part, "First Prize Apple Cider Vinegar—55 Grn." The article in the shipment on July 9, 1915, was invoiced in part as "60 Gr. Cider Vinegar" and "60" was stenciled on the barrels. The article in the shipment on June 15, 1915, was labeled, in part, "80 Sugar Cane Vinegar." The article in the shipment on June 4, 1915, was invoiced in part as "60 gr. Cider Vinegar," and "60" was stenciled on the barrels.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

	Shipment of—			
	July 13, 1915.	June 15, 1915.	June 4, 1915.	July 9, 1915.
Alcohol (per cent by volume)-----	0.10	0.60	0.20	0.05
Glycerol (gram per 100 cc)-----	0.20	0.11	0.19	0.17
Solids (grams per 100 cc)-----	2.70	1.64	2.56	2.47
Nonsugar solids (grams per 100 cc)-----	1.79	1.22	1.73	1.62
Reducing sugar as invert before inversion (grams per 100 cc)---	1.11	0.53	1.02	1.00
Reducing sugar as invert after evaporation (gram per 100 cc)---	0.91	0.42	0.83	0.85
Ash (gram per 100 cc)-----	0.38	0.36	0.40	0.37
Alkalinity soluble ash (cc N/10 acid per 100 cc)-----	28.4	5.6	25.0	24.6
Total phosphoric acid (P ₂ O ₅) (milligrams per 100 cc)-----	16.7	5.1	15.8	15.5
Acidity as acetic (grams per 100 cc)-----	5.88	7.80	6.06	6.02
Color (degrees, brewer's scale, 0.5 inch)-----	23.0	15.0	16.0	16.0
Color removed by fuller's earth (per cent)-----	63	60	50	44
Volatile reducing bodies (gram per 100 cc)-----	0.20	0.11	0.19	0.15
Distilled vinegar or dilute acetic acid added in each case.				

Adulteration of the article in each shipment was alleged in the information for the reason that a certain substance, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for apple cider vinegar (or sugar-cane vinegar as the case might be) reduced to 55-grain strength (or 60-grain, or 80-grain strength as the case might be).

Misbranding of the article in the shipment on July 13, 1915, was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Apple Cider Vinegar, 55 grn," was false and misleading in that it indicated to purchasers thereof that the article consisted of apple cider vinegar reduced to 55-grain strength, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of apple cider vinegar reduced to 55-grain strength, when, in truth and in fact, it did not but consisted of, to wit, a mixture of distilled vinegar or dilute acetic acid, and apple cider vinegar; and for the further reason that it was, to wit, a mixture of distilled vinegar or dilute acetic acid and apple cider vinegar and was an imitation of, and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

Misbranding of the article in the shipments on July 9, 1915, and June 4, 1915, was alleged for the reason that it consisted of, to wit, a mixture of distilled vinegar, or dilute acetic acid, and apple cider vinegar, and was an imitation of, and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar or cider vinegar as the case might be.

Misbranding of the article in the shipment on July 15, 1915, was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "80 sugar cane vinegar," was false and misleading in that it indicated to purchasers that the article consisted of sugar-cane vinegar reduced to 80 grains strength; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of sugar-cane vinegar reduced to 80-grain strength, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of distilled vinegar, or dilute acetic acid, and sugar-cane vinegar; and for the further reason that it was a mixture of distilled vinegar or dilute acetic acid and sugar-cane vinegar and was an imitation of, and was offered for sale under the distinctive name of another article, to wit, sugar-cane vinegar.

On November 11, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$40 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*