

**5941. Adulteration and misbranding of vinegar. U. S. \* \* \* v. Frank E. Jewett (F. E. Jewett & Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 8201. I. S. No. 1326-m.)**

On April 24, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank E. Jewett, trading as F. E. Jewett & Co., Lowell, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 4, 1916, from the State of Massachusetts into the State of New Hampshire, of a quantity of an article labeled in part, "Apple vinegar," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (gram per 100 cc)-----	0.20
Glycerol (gram per 100 cc)-----	0.20
Acid as acetic (grams per 100 cc)-----	4.37
Solids (grams per 100 cc)-----	1.61
Reducing sugars, as invert, before inversion, after evaporation (gram per 100 cc)-----	0.46
Nonsugars (grams per 100 cc)-----	1.15
Ash (gram per 100 cc)-----	0.22
Phosphoric acid (P <sub>2</sub> O <sub>5</sub> ) (mg per 100 cc)-----	17.0

This is apple or cider vinegar which has been mixed with water.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been substituted in part for apple vinegar, which the article purported to be, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement appearing on the label concerning the article and the ingredients and substances contained therein, to wit, "Apple vinegar," was false and misleading in that it represented to purchasers that the article was apple vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was apple vinegar, whereas, in fact and in truth, it was not, but was a mixture of apple vinegar and water.

On October 9, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

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