

**5953. Adulteration and misbranding of vinegar. U. S. \* \* \* v. O. J. Gutekunst Fruit Product Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 8274. I. S. No. 11724-m.)**

On July 20, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the O. J. Gutekunst Fruit Product Co., a corporation, Gowanda, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 29, 1916, from the State of New York into the State of Ohio, of a quantity of an article labeled in part, "O. J. Gutekunst Fruit Product Co. Pure Apple Cider Reduced to 4%," 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 (per cent by volume)-----  | 0.1  |
| Glycerol (gram per 100 cc)-----  | 0.13 |
| Solids (grams per 100 cc)-----   | 1.51 |
| Nonsugar solids (grams per 100 cc)-----                                      | 1.10 |
| Reducing sugars after evaporation, before inversion (gram per 100 cc)-----   | 0.41 |
| Ash (gram per 100 cc)-----   | 0.20 |
| Ash in nonsugar solids (per cent)-----                                       | 18.2 |
| Total phosphoric acid (P <sub>2</sub> O <sub>5</sub> ) (mg. per 100 cc)----- | 13.6 |
| Acidity, as acetic (grams per 100 cc)-----                                   | 4.18 |
| Fixed acid, as malic (gram per 100 cc)-----                                  | 0.03 |

$$\text{Ratio} \frac{\text{Glycerol}}{\text{Acid} + \text{Alcohol}} = 3.05 : 100$$

$$\text{Ratio} \frac{\text{Nonsugar}}{\text{Acid} + \text{Alcohol}} = 25.8 : 100$$

Analysis indicates added distilled vinegar.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the statement borne on the label regarding the article and the ingredients and substances contained therein, to wit, "Pure Apple Cider Vinegar," was false and misleading in that it represented that the article was a pure apple cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, it was not, but consisted in part of distilled vinegar or dilute acetic acid.

On November 13, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*