

Issued March 5, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 195, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 22d day of November, 1909, in the District Court of the United States for the Eastern District of Missouri, in a prosecution by the United States against A. Braun Manufacturing Company, a corporation of St. Louis, Mo., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Missouri to Illinois an adulterated and misbranded vinegar, the said A. Braun Manufacturing Company entered a plea of guilty and the court imposed upon it a fine of \$10.

The facts in the case were as follows:

On April 29, 1909, an inspector of the Department of Agriculture purchased from the Kohl-Meyer Grocery Company, Centralia, Ill., a sample of a food product labeled "Manufactured for Kohl-Meyer Grocery Co., Centralia, Ill. 46 Fermented. 46 Sugar Vinegar. Serial No. 12385. St. Louis, Mo." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to be a compound of part sugar vinegar with part spirit vinegar, or distilled vinegar. From the aforesaid analysis it appeared that the article was adulterated within the meaning of section 7 of the act in that another substance, to wit, spirit, or distilled vinegar, had been substituted in part for the genuine food product, and that the said article was offered for sale under the distinctive name of another article; and was misbranded within the meaning of section 8 of the act in that it was labeled "46 Sugar Vinegar," which statement was false and misleading because it was not sugar vinegar, but a compound of sugar vinegar and spirit, or distilled vinegar.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to the

Kohl-Meyer Grocery Company, the dealers from whom the sample was purchased, and also to the A. Braun Manufacturing Company, the manufacturer and shipper, and gave them an opportunity to be heard. The A. Braun Manufacturing Company being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on September 10, 1909, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States Attorney for the Eastern District of Missouri, who filed an information against the A. Braun Manufacturing Company, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 12, 1910.*

