

Issued May 11, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 844, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about April 13, 1910, S. W. Jennings and Carl C. Jennings, doing business under the name and style of Union Vinegar Company, Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a quantity of alleged vinegar labeled: "Empire Brand—Fermented—Apple Juice—Purity Guaranteed—Cider Vinegar. Made Oct. 9. 50. Union Vinegar Co., Cincinnati, O.—The vinegar contained in this barrel is pure cider vinegar made from Apple Juice. We guarantee it to conform to the Pure Food Laws of all States regulating the sale of vinegar. Union Vinegar Co., Cincinnati, O." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist in whole or in part of a dilute solution of acetic acid and a foreign material high in reducing sugars prepared in imitation of cider vinegar and deficient in acid strength. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said S. W. Jennings and Carl C. Jennings and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said S. W. Jennings and Carl C. Jennings charging the above shipment and alleging the product so shipped to be adulterated in that

another substance, to wit, a dilute solution of acetic acid and a foreign material high in reducing sugars, had been substituted wholly or in part for what said article of food by its above label purported to be, to wit, "Pure, Apple-cider Vinegar"; and in that said dilute solution of acetic acid and foreign material high in reducing sugars had been mixed and packed as, for, and with said article of food, so as to reduce and lower and injuriously affect the quality of the same; and alleging the product to be misbranded in that it was labeled as above and was offered for sale and sold under the distinctive name of another article of food, to wit, "Pure, Apple-Cider Vinegar", when in truth and in fact said article of food was not such but was a dilute solution of acetic acid and a foreign material high in reducing sugars, being an imitation of said "Pure, Apple-Cider Vinegar"; in that said article of food was labeled as aforesaid so as to deceive and mislead the purchaser thereof; and in that it did create the impression and belief in the mind of the purchaser that said article was that represented by the above label, when in truth and in fact it was an adulterated product as above set forth, prepared in imitation of "Pure, Apple-Cider Vinegar".

On January 28, 1911, the cause came on for hearing and the defendants entered a plea of guilty to the above information, whereupon the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 15, 1911.*