

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1225.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF APPLE VINEGAR.

On November 3, 1910, the United States Attorney for the Middle District of Tennessee, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of one barrel of vinegar in the possession of W. J. Kinsey, Nashville, Tenn. The product was labeled: "Apple Vinegar—L. G.—Louisville Cider & Vinegar Works, Louisville, Ky."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results:

Solids (grams per 100 cc)-----	2.14
Nonsugar solids (grams per 100 cc)-----	1.00
Reducing sugar invert (grams per 100 cc)-----	1.14
Sugar in solids (per cent)-----	53.3
Polarization direct, temperature 20° C. (°V.)-----	-1.7
Ash (grams per 100 cc)-----	.29
Alkalinity of soluble ash (cc N/10 acid 100 cc)-----	29.1
Soluble phosphoric acid (mg per 100 cc)-----	22.8
Insoluble phosphoric acid (mg per 100 cc)-----	9.5
Acid, as acetic (grams per 100 cc)-----	4.01
Fixed acid, as malic (grams per 100 cc)-----	.02
Lead precipitate-----	O. K.
Color, degrees, brewer's scale (0.5 in. cell)-----	5
Ash in nonsugar solids (per cent)-----	29
Color removed by fuller's earth (per cent)----- (approx.)--	45

The libel alleged that the product, after shipment by the Louisville Cider & Vinegar Works, Louisville, Ky., from the State of Kentucky into the State of Tennessee, remained in the original unbroken package, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was, therefore, liable to seizure for confiscation. Misbranding was alleged for the reason that the said product was represented to be apple vinegar, when, in fact, it was only apple cider vinegar in part to which had been added substances high in reducing sugars, and also added ash, and said representation was,

therefore, false and misleading and calculated to mislead and deceive the purchaser. Misbranding was further alleged for the reason that said product was an imitation of and sold under the distinctive name of another article, to wit, apple vinegar.

On May 19, 1911, no claimant having appeared, the court entered a decree finding the said product to be misbranded as alleged in the libel and condemning and forfeiting it to the United States and ordering the sale of the same by the United States marshal after labeling the product "Imitation cider vinegar."

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 1, 1911.*