

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1304.

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

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

On September 10, 1910, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 33 barrels of vinegar in the possession of J. H. Merrill Co., Ottumwa, Iowa. The product was labeled: "Prussing Brothers Pure Cider Vinegar 49 Gallons 40 grains Chicago, Ill. Mills Montague, Mich."

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

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| Solids (grams per 100 cc)..... | 1.94 |
| Nonsugar solids (grams per 100 cc)..... | .93 |
| Reducing sugar as invert (grams per 100 cc)..... | 1.01 |
| Ash (grams per 100 cc)..... | .3 |
| Soluble phosphoric acid (mg per 100 cc)..... | 17.35 |
| Insoluble phosphoric acid (mg per 100 cc)..... | 7.47 |
| Total acid, as acetic (grams per 100 cc)..... | 4.09 |
| Volatile acid, as acetic (grams per 100 cc)..... | 4.08 |
| Fixed acid, as malic (grams per 100 cc)..... | .006 |
| Alcohol precipitate (grams per 100 cc)..... | .2 |
| Pentosans (grams per 100 cc)..... | 1.09 |
| Alkalinity of soluble ash (cc N/10 acid)..... | 32.00 |
| Lead precipitate | Fairly heavy |
| Color in degrees on 0.5 inch brewer's scale..... | 6.5 |
| Color removed by fuller's earth (per cent)..... | 60.00 |
| Per cent of sugar in solids..... | 52.00 |
| Polarization, direct..... | °V-1.2 |

The libel alleged that the vinegar, after shipment by Prussing Bros., Montague, Mich., from the State of Michigan into the State of Iowa, remained in the original unbroken packages, and was adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Adulteration was alleged for the reason that a substance, to wit, a dilute solution of acetic acid and a foreign substance high in reducing

sugar, had been mixed and packed with the real article so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part therefor. Misbranding was alleged for the reason that the product was represented to be a pure cider vinegar, when in fact it was not, but was a mixture of a dilute solution of acetic acid and a foreign substance high in reducing sugars, prepared in imitation of cider vinegar, and the representation on the label was therefore false and misleading and calculated to deceive and mislead the purchaser.

On April 6, 1911, the case coming on for hearing, the court found the product adulterated and misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, and ordering its destruction by the marshal, but with a proviso that it might be released to claimants upon the payment by them of all costs and the execution of a bond in the sum of \$500, conditioned that the property should not be again sold or disposed of contrary to law.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 24, 1912.*