

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2061.

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

ADULTERATION AND MISBRANDING OF SO-CALLED CONCENTRATED EXPORT VINEGAR.

At a stated term of the District Court of the United States for the Northern District of California the grand jurors of the United States for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against Ben Schloss, doing business under the name of Schloss Crockery Co., San Francisco, Cal., alleging shipment by him, in violation of the Food and Drugs Act, on May 22, 1911, from the State of California into the State of Washington, of a quantity of so-called concentrated export vinegar which was adulterated and misbranded. The product was labeled: "Schloss Concentrated Export Vinegar 3 Gallons of chemically pure vinegar concentrated by distillation into 10 ounces. Recommended by the greatest chemists of Europe. Warranted to remain unchanged in any climate. Guaranteed chemically pure. To make a quart of pure food table vinegar, add the quantity contained between the graduated lines to a quart of water. Schloss Concentrated Export Vinegar. Chemical analysis; Chlorin, None; Sulphuric Acid, None; Sulphurous Acid, None; Iron, None; Lead, None; Copper, None; Color, Brown, Organic Matter, Trace; Pure Acetic Acid Vinegar, 80%. To make a good table vinegar, add 39 parts of water to one part of vinegar." (Blown in Bottle) "Schloss Concentrated Export Vinegar."

Analysis of a sample of the product by the Bureau of Chemistry showed the following results: Solids (grams per 100 cc), 1.73; ash (gram per 100 cc), 0.035; soluble ash (gram per 100 cc), 0.030; insoluble ash (gram per 100 cc), 0.005; P_2O_5 in ash, trace; acidity as acetic (grams per 100 cc), 82.2; color, removed by fuller's earth, 78 per cent; caramel, present. Adulteration of the product was alleged in the information for the reason that a substance, to wit, acetic acid,

colored with caramel, had been substituted for vinegar, and for the further reason that the product had been colored in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the product was labeled as set forth above, which label and the words thereon were false and misleading, in that they would, and were calculated to, deceive and mislead the purchaser into the belief that the product was a concentrated vinegar, whereas in truth and in fact it was not a concentrated vinegar, but was a highly concentrated acetic acid, colored with caramel. Misbranding was alleged for the further reason that the words on said label "3 gallons of chemically pure vinegar, concentrated by distillation into 10 ounces" were false and misleading in that said words would, and were calculated to, deceive and mislead the purchaser into the belief that the product was a vinegar concentrated by distillation, whereas in truth and in fact it was not a distilled vinegar; said words also would, and were calculated to, deceive and mislead the purchaser into the belief that the vinegar was the product of the concentration of three gallons of vinegar into 10 ounces whereas in truth and in fact the acidity of the 10 ounces would be equal to the acidity of only 1.6 gallons of vinegar.

On September 7, 1912, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$50.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 4, 1912.*