

**3882. Adulteration and misbranding of so-called cider vinegar. U. S. v. Spielmann Bros. Co.**  
**Plea of guilty. Fine, \$75 and costs. (F. & D. No. 3543. I. S. No. 203-d.)**

On August 4, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on April 18, 1911, from the State of Illinois into the State of Iowa, of a quantity of so-called cider vinegar which was adulterated and misbranded. The product was labeled: "Guaranteed Cider Vinegar, 4 per centum, Spielmann Bros. Co. Manufacturers, 613."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Glycerol.....	0.077
Total solids.....	1.74
Nonsugar solids.....	1.09
Reducing sugars before inversion, after evaporation .....	0.65
Ash.....	0.34
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	37.2
Total phosphoric acid ( $P_2O_5$ ) (mg per 100 cc).....	22.9
Polarization, direct, at 20° C. (°V.).....	-1.3
Total acid, as acetic.....	4.05
Fixed acid, as malic.....	0.01
Ash in nonsugars (per cent).....	31.2

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been mixed and packed with the article of food so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food, and for the further reason that it had been substituted in part for the article of food aforesaid. Misbranding was alleged for the reason that each of the barrels bore a label in words and figures as follows, to wit, "Guaranteed Cider Vinegar, 4 per centum, Spielmann Bros. Co. Manufacturers, 613," which said statement in the label appearing on each of the barrels was false and misleading, in that it represented to the purchaser that the article of food was genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar. Misbranding was alleged for the further reason that said statement appearing on the label deceived and misled the purchaser into the belief that the article of food was a genuine cider vinegar conforming to the commercial standard for such article of food, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the court imposed a fine of \$75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 28, 1915.