

3896. Adulteration and misbranding of vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 4373. I. S. No. 17183-c.)

On February 14, 1914, 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 February 18, 1911, from the State of Illinois into the State of Kentucky, of a quantity of so-called guaranteed cider vinegar which was adulterated or misbranded. The product was labeled: "52 Guaranteed Cider Vinegar—4 per centum—Purity Vinegar Works—9537 Purity Vinegar Works Purity Company, Pure Cider Vinegar, Canastota, N. Y."

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:

Solids.....	1.84
Nonsugar solids.....	1.09
Reducing sugar as invert, after inversion.....	0.75
Sugar in solids (per cent).....	39.8
Polarization, direct, at 28° C. (°V.).....	-1.6
Polarization, invert, at 28° C. (°V.).....	-1.6
Ash, total.....	0.43
Ash, soluble in water.....	0.40
Ash, insoluble in water.....	0.03
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	47.2
Alkalinity of insoluble ash (cc N/10 acid per 100 cc).....	7.2
Soluble phosphoric acid (mg per 100 cc).....	27.1
Acid, as acetic.....	4.20
Volatile acid, as acetic.....	3.96
Lead precipitate: Medium.	
Ash in solids.....	23.4
Color: Caramel.	
Glycerol.....	0.11

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 product high in reducing sugars containing added mineral matter, had been mixed and packed with the article of food aforesaid so as to reduce, lower, and injuriously affect its quality and strength; further, in that the liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added mineral matter, had been substituted wholly for the article of food as aforesaid; and, further, for the reason 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 mineral matter, 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: "52 Guaranteed Cider Vinegar—4 per centum—Purity Vinegar Works—9537 Purity Vinegar Works Purity Company, Pure Cider Vinegar, Canastota, N. Y.," which said statement in the label, appearing on each of the barrels, was false and misleading in that said statement represented to the purchaser 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, 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 mineral matter. Misbranding was alleged for the further reason that said statement in the label, appearing on each of the barrels, 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 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 company was fined \$75 and costs.

CARL VROOMAN. *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 29, 1915.*