

**4930. Adulteration and misbranding of vinegar. U. S. \* \* \* v. Wallace Vinegar Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7083. I. S. Nos. 12083-k, 12586-k, 12587-k, 12578-k.)**

On or about March 27, 1916, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wallace Vinegar Co., a corporation, Paducah, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2, 1914, September 16, 1914, and January 21, 1915 (two shipments), from the State of Kentucky, into the State of Tennessee, of quantities of vinegar, which was adulterated and misbranded. These vinegars were variously labeled: "Wallace Vinegar Co. Elko Brand Apple Vinegar Reduced by Water to 4% Strength 47 Gals (or 49 Gals.) Distributors Paducah, Ky." "Brocton Fruit Product Co. Baldwin Brand Apple Vinegar Reduced by Water to 4% Strength. 48 Gals. Distributors Brocton, New York." "48 Wagner Grocery Co. Brocton Brand Pure Apple Vinegar Diluted to 4% Acid Strength. Distributors. Memphis, Tenn."

Analysis of samples of these vinegars by the Bureau of Chemistry of this department, showed the following results:

**Elko Brand (Shipment September 16, 1914):**

Alcohol (per cent by volume)_____	0.40
Solids (grams per 100 cc)_____	1.01
Nonsugar solids (grams per 100 cc)_____	0.66
Reducing sugar, after evap. as invert (grams per 100 cc) _	0.35
Glycerin (grams per 100 cc)_____	0.11
Ash (grams per 100 cc)_____	0.15
Total acid as acetic (grams per 100 cc)_____	4.04

**Elko Brand (Shipment November 2, 1914):**

Alcohol (per cent by volume)_____	2.05
Solids (grams per 100 cc)_____	1.50
Nonsugar solids (grams per 100 cc)_____	1.13
Reducing sugar after evap. as invert (grams per 100 cc) _	0.37
Glycerin (grams per 100 cc)_____	0.16
Ash (grams per 100 cc)_____	0.26
Total acid as acetic (grams per 100 cc)_____	4.17

**Baldwin Brand (Shipment January 21, 1915):**

Alcohol (per cent by volume)_____	0.38
Solids (grams per 100 cc)_____	1.52
Nonsugar solids (grams per 100 cc)_____	1.09
Reducing sugar after evap. as invert (grams per 100 cc) _	0.43
Glycerin (grams per 100 cc)_____	0.11
Ash (grams per 100 cc)_____	0.21
Total acid as acetic (grams per 100 cc)_____	4.41

**Brocton Brand (Shipment January 21, 1915):**

Alcohol (per cent by volume)_____	0.51
Solids (grams per 100 cc)_____	1.54
Nonsugar solids (grams per 100 cc)_____	1.07
Reducing sugar after evap. as invert (grams per 100 cc) _	0.47
Glycerin (grams per 100 cc)_____	0.10
Ash (grams per 100 cc)_____	0.22
Total acid as acetic (grams per 100 cc)_____	4.38

These analyses show that either dilute acetic acid or distilled vinegar had been added in material proportions in each case.

Adulteration of the vinegar was alleged in the information for the reason that in each case dilute acetic acid or distilled vinegar had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted, in whole or in part, for apple vinegar, which the article purported to be.

Misbranding was alleged for the reason that the following statements regarding the article in each case and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Apple vinegar reduced by water to 4 per cent strength" and "apple vinegar diluted to 4 per cent acid strength" were false and misleading in that they indicated to purchasers thereof that the article consisted wholly of apple vinegar reduced to 4 per cent acid strength by the addition of water, and for the further reason that it was labeled "Apple vinegar reduced by water to 4 per cent strength" and "apple vinegar diluted to 4 per cent acid strength", so as to deceive and mislead purchasers into the belief that it consisted wholly of apple vinegar, reduced to 4 per cent acid strength by the addition of water, when, in truth and in fact, it did not consist wholly of apple vinegar reduced to 4 per cent acid strength by the addition of water, but did consist of, to wit, a mixture of apple vinegar and dilute acetic acid or distilled vinegar reduced to about 4 per cent acid strength. Misbranding was alleged for the further reason that the article was a mixture of apple vinegar and dilute acetic acid or distilled vinegar, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple vinegar.

On April 17, 1916, the defendant company entered a plea of guilty, and the court imposed a fine of \$50.

R. A. PEARSON, *Acting Secretary of Agriculture.*