

5900. Adulteration and misbranding of vinegar. U. S. * * * v. R. M. Hughes & Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7065. I. S. Nos. 16515-k, 16517-k, 12509-k.)

On February 16, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. M. Hughes & Co., a corporation, doing business at Louisville, Ky. and Middleport, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 11, 1914, from the State of New York into the State of Tennessee, and on or about May 20, 1915, and May 26, 1915, into the State of Iowa, of quantities of an article labeled in part, "Capitol Pure Apple Vinegar 40 grain" and "New York State Pure Apple Cider Vinegar * * Diluted to 4½% Acetic Strength," which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results expressed as grams per 100 cc unless otherwise stated:

Shipment of—	May 20, 1915.	May 26, 1915.	Sept. 11, 1914.
Alcohol (per cent by volume).....	1.30	1.65	0.56
Glycerol.....	.20	.21	.15
Solids.....	1.56	1.56	1.64
Nonsugar solids.....	1.25	1.24	1.32
Reducing sugar as invert after evaporation.....	.31	.32	.32
Ash.....	.23	.29	.29
Alkalinity of soluble ash (cc. N/10 acid per 100 cc.).....	26.6	26.8	29.20
Total phosphoric acid (P ₂ O ₅) (mg. per 100 cc.).....	24.0	24.3	17.8
Acidity as acetic.....	4.39	4.33	4.08

The above analyses indicate that the product consists in part of a dilute solution of acetic acid or distilled vinegar, and is not a genuine cider vinegar.

Adulteration of the article in each shipment was alleged for the reason that a substance, to wit, dilute acetic acid or distilled vinegar, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in whole or in part for pure apple vinegar 40 grain or pure apple cider vinegar diluted to 4½ per cent acetic strength, or apple cider vinegar diluted to 4½ per cent acetic strength, as the case might be, which the article purported to be.

Misbranding of the article in each shipment was alleged for the reason that the statement borne on the barrels containing it regarding the article and the ingredients and substances contained therein, to wit, "Pure Apple Vinegar 40 Grain," or "Pure apple cider vinegar * * * diluted to 4½% acetic strength," or "Apple Cider Vinegar * * * diluted to 4½% Acetic Strength," as the case might be, was false and misleading in that it falsely represented that the article was a pure apple vinegar 40 grain, or a pure apple cider vinegar diluted to 4½ per cent acetic strength, or an apple cider vinegar diluted to 4½ per cent acetic strength, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure apple vinegar 40 grain, or a pure apple cider vinegar * * * diluted to 4½ per cent acetic strength, or an apple cider vinegar diluted to 4½ per cent acetic strength, when, in truth and in fact, it was not, but was a mixture of less than 40 grain, or 4½ per cent acetic strength, composed in part of dilute acetic acid or distilled vinegar, and for the further reason that it was

a mixture composed as aforesaid and was offered for sale under the distinctive name of another article, to wit, "Pure apple vinegar 40 grain," or "Pure apple cider vinegar * * * diluted to 4½% acetic strength," or "Apple Cider Vinegar * * * Diluted to 4½% Acetic Strength."

On November 27, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*