

6000. Adulteration and misbranding of vinegar. U. S. * * * v. Charles E. McLean (Wallace-McLean Vinegar Co.). Plea of guilty. Fine, \$150 and costs. (F. & D. No. 8425. I. S. Nos. 11171-1, 11172-1, 11957-m.)

On October 17, 1917, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles E. McLean, trading as the Wallace-McLean Vinegar Co., Memphis, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 15, 1915, and on or about February 25, 1915, or July 15, 1915, from the State of Tennessee into the State of Oklahoma, and on or about October 2, 1916, from the State of Tennessee into the State of Mississippi, of quantities of an article, labeled in part, "Wallace-McLean Vinegar Co. Elko Brand Apple Cider Vinegar reduced by water to 4%" (the second shipment into Oklahoma), and "Elko Apple Vinegar * * * Bottled by Wallace-McLean Vinegar Co. * * * Reduced to 4% 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:

<i>Shipments of</i>	<i>Oct. 2, 1916.</i>	<i>Feb. 25, or July 15.</i>	<i>July 15.</i>
Alcohol (per cent by volume)-----	0.40	0.20	2.35
Glycerin-----	0.06	0.08	0.07
Total solids-----	1.02	1.57	1.00
Total reducing matters as invert before inversion-----	0.25	0.36	0.19
Reducing sugars as invert before inversion after evaporation-----	0.21	0.33	0.16
Reducing sugars as invert after inversion after evaporation-----	0.24	0.32	0.16
Volatile reducing matters-----	0.04	0.03	0.03
Nonsugar solids-----	0.78	1.25	0.84
Total ash-----	0.18	0.28	0.22
Total phosphoric pentoxid (P_2O_5)-----	39.0	29.0	30.0
Total acid as acetic-----	3.80	3.96	3.69
Fixed acid as malic-----	0.01	None.	None.
Volatile acid as acetic-----	3.79	3.96	3.69
Lead precipitate-----	Medium.	Medium.	Medium.
Color, brewer's scale, 1-inch cell-----	15.0	15.0	14.00
Color removed by fuller's earth (per cent) _	80.0	73.3	75.0
Sugar in solids (per cent)-----	23.5	20.4	16.0
Ash in nonsugar solids (per cent)-----	23.1	22.4	26.2
Solids-glycerol ratio-----	17.0	19.7	14.3
Acid-alcohol-glycerol ratio-----	36.0	26.8	44.7

The above results show that distilled vinegar or dilute acetic acid has been substituted wholly or in part for apple-cider vinegar and apple vinegar.

Adulteration of the article in the shipment of July 15, 1915, was alleged in the information for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for apple-cider vinegar reduced by water to 4 per cent, which the article purported to be.

Adulteration of the article in the shipment on February 25, 1915, or July 15, 1915, was alleged for the reason that a substance, to wit, distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for apple vinegar reduced to 4 per cent acetic strength, which the article purported to be.

Adulteration of the article in the shipment on October 2, 1916, was alleged for the reason that a mixture composed of distilled vinegar or dilute acetic acid, ash materials, and other foreign substances, artificially colored to simulate the appearance of apple-cider vinegar reduced by water to 4 per cent, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for apple-cider vinegar reduced by water to 4 per cent, which the article purported to be, and for the further reason that the article was a mixture inferior to apple-cider vinegar reduced by water to 4 per cent, to wit, a mixture composed in part of distilled vinegar or dilute acetic acid, ash materials, and other foreign substances, prepared in imitation of apple-cider vinegar reduced by water to 4 per cent, and was artificially colored so as to simulate the appearance of apple-cider vinegar reduced by water to 4 per cent and in a manner whereby its inferiority to apple-cider vinegar reduced by water to 4 per cent was concealed.

Misbranding of the article in the shipment of July 15, 1915, and October 2, 1916, was alleged in substance for the reason that the statement, to wit, "apple cider vinegar reduced by water to 4%," borne on the barrels containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was apple-cider vinegar reduced by water to 4 per cent, 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 apple-cider vinegar reduced by water to 4 per cent, whereas, in truth and in fact, it was not, but was a mixture composed in part of distilled vinegar or dilute acetic acid reduced to less than 4 per cent.

Misbranding of the article in the shipment on February 25, 1915, or July 15, 1915, was alleged in substance for the reason that the statement, to wit, "apple vinegar * * * reduced to 4% acetic strength," borne on the bottles containing the articles, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was apple vinegar reduced to 4 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 apple vinegar reduced to 4 per cent acetic strength, whereas, in truth and in fact, it was not, but was a mixture composed in part of distilled vinegar or dilute acetic acid reduced to less than 4 per cent acetic strength.

On January 5, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$150 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*