

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 232, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that in the month of December, 1909, in the District Court of the United States for the Eastern District of Michigan, in prosecutions by the United States against the Oakland Vinegar & Pickle Company, a corporation of Saginaw, Mich., for violations of section 2 of the aforesaid act in shipping and delivering for shipment from Michigan to North Dakota and Indiana, respectively, consignments of adulterated and misbranded cider vinegar, the said Oakland Vinegar & Pickle Company entered a plea of *nolo contendere* in each case and the court imposed upon it fines of \$15 and \$10, respectively.

The facts in the cases were as follows:

On June 11, 1909, and June 17, 1909, inspectors of the Department of Agriculture purchased from Leach & Gamble Company, Wahpeton, N. Dak., and Everett & Hite, Decatur, Ind., samples of food products labeled, respectively: "Mfd for Leach & Gamble Co. Victory Pure Cider Vinegar. Fermented — gals. Wahpeton, N. D." "The cider vinegar in this barrel is superior and guaranteed by the manufacturers to conform to Pure Food Laws of Michigan or any other state where pure food laws are in force and pertaining to Fermented Pure Cider Vinegar. Manufactured by Oakland Vinegar & Pickle Co. Saginaw, Mich." and "Oakland Vinegar and Pickle Company 4% Oakland Brand Apple Cider Vinegar, fermented 48 gal. Saginaw, Mich. Manfd. May 4, 1909." "The cider vinegar in this barrel is superior and guaranteed by the manufacturers to conform in every particular with pure food laws of Michigan or any State where pure food laws are in force and pertaining to fermented pure cider vinegar.

Manufactured by Oakland Vinegar & Pickle Co., Saginaw, Mich." The samples were analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to consist wholly or in part of a foreign substance high in reducing sugars and dilute acetic acid. From the above analyses it appeared that the articles were adulterated within the meaning of section 7 of the act in that a mixture of dilute acetic acid and a foreign substance high in reducing sugars had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength; and were misbranded within the meaning of section 8 of the act in that they were labeled "Victory Pure Cider Vinegar" and "Oakland Brand Apple Cider Vinegar," and contained the statement that the "cider vinegar in this barrel is superior and guaranteed," etc., which statements were false, misleading, and deceptive to the purchaser thereof in that they tended to produce the impression that the products were pure cider vinegar, whereas, in fact, they consisted wholly or in part of a dilute acetic acid, together with a foreign substance high in reducing sugars.

It appearing from the aforesaid analyses that the articles were adulterated and misbranded, the Secretary of Agriculture gave notice to Leach & Gamble Company and Everett & Hite, the dealers from whom the samples were purchased, and also to the Oakland Vinegar & Pickle Company, the manufacturer and shipper, and gave them an opportunity to be heard. The Oakland Vinegar & Pickle Company being the party solely responsible for the adulteration and misbranding of the articles and failing to show any fault or error in the result of the aforesaid analyses, and it being determined that the articles were adulterated and misbranded, on September 18 and September 30, 1909, respectively, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States attorney for the Eastern District of Michigan, who filed informations against the Oakland Vinegar & Pickle Company, with the results hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 25, 1910.*

