

4202. Adulteration and misbranding of vinegar. U. S. * * * v. Levi Jacob Dawson et al. (Consolidated Cider & Vinegar Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 6453. I. S. No. 9121-h.)

On July 10, 1915, 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 Levi Jacob Dawson and Derwood Dawson, copartners, trading as the Consolidated Cider & Vinegar Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 28, 1913, from the State of Tennessee into the State of Texas, of a quantity of vinegar which was misbranded. The product was labeled: (On jug) "Tennessee Belle Brand Apple Cider Vinegar Bottled By Consolidated Cider & Vinegar Co. Memphis, Tenn. Trade CC & V Co. Mark. Sterilized and Filtered. Reduced to Legal Strength Weight 1 Lb. 10 Oz. Or More."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Glycerin (grams per 100 cc)-----	0.11
Solids (grams per 100 cc)-----	0.97
Nonsugar solids (grams per 100 cc)-----	0.85
Reducing sugars after evaporation (grams per 100 cc)-----	0.12
Lead precipitate: Almost none.	
Polarization -----	0.0
Ash (grams per 100 cc)-----	0.152
Water-soluble ash (grams per 100 cc)-----	0.117
Water-soluble ash (grams per 100 cc)-----	0.037
Alkalinity of water-soluble ash (cc N/10 acid per 100 cc)---	14.0
Total phosphoric acid (as P ₂ O ₅) (mg per 100 cc)-----	8.65
Total acid (grams per 100 cc)-----	4.10
Formic acid (Finke) (mg per 100 cc) : Less than 2.	
Alcohol (per cent by volume)-----	0.68

These results show that the product contains a material proportion of distilled vinegar.

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

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, apple cider vinegar, whereas, in truth and in fact, it was not an apple cider vinegar, but was a mixture of apple cider vinegar and distilled vinegar or dilute acetic acid made in imitation of apple cider vinegar. Misbranding was alleged for the further reason that the statement, to wit, "Apple Cider Vinegar," borne on the label of the article, was false and misleading in that it represented said article to be wholly apple cider vinegar, whereas, in truth and in fact, it was not wholly apple cider vinegar, but was a mixture of apple cider vinegar and distilled vine-

gar or dilute acetic acid. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar" so as to deceive and mislead the purchaser into the belief that it was wholly apple cider vinegar, whereas, in truth and in fact, it was not wholly apple cider vinegar, but was a mixture of apple cider vinegar and distilled vinegar or dilute acetic acid.

On August 24, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*