

4876. Adulteration and misbranding of vinegar. U. S. * * * v. Monarch Vinegar Works, a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6744. I. S. Nos. 5470-e, 8814-h, 8815-h, 9793-e, 11277-e.)

On November 16, 1915, the United States attorney for the Western District of Missouri, 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 Monarch Vinegar Works, a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 4, 1912, December 4, 1913 (two shipments), and March 31, 1913, from the State of Missouri into the State of Kansas, of quantities of vinegar which were adulterated and misbranded, and the sale by said company, on or about May 24, 1913, under a written guaranty that the article was not adulterated or misbranded within the meaning of the Food and Drugs Act, of a quantity of vinegar which was an adulterated and misbranded article within the meaning of said act, and which said article was afterwards on May 27, 1913, in the identical condition in which it had been received, shipped by the purchaser thereof, from the State of Missouri into the State of Kansas, in further violation of the Food and Drugs Act. The shipment of December 4, 1912, was labeled: "Corn Sugar 85 G. 48."

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

Glycerin (grams per 100 cc)-----	0.07
Solids (grams per 100 cc)-----	0.62
Nonsugar solids (grams per 100 cc)-----	0.48
Reducing sugar after exaporation (grams per 100 cc)-----	0.14
Lead precipitate: Very slight.	
Polarization: Too dark to read.	
Ash (grams per 100 cc)-----	0.06
Total acid (grams per 100 cc)-----	8.57
Color (degrees, brewer's scale, 0.5 inch)-----	34.0
Alcohol precipitate: Not dextrinous; flocculent.	

These results show that the product consists largely of either distilled vinegar or dilute acetic acid.

One of the shipments of December 4, 1913, was labeled: "Distributed by The B. C. Twenhofel Mfg. Co., Kansas City Kansas Pure Apple Cider Vinegar 45 Gals. Generator Run"

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Glycerin (grams per 100 cc)-----	0.14
Solids (grams per 100 cc)-----	1.50
Nonsugar solids (grams per 100 cc)-----	1.35
Reducing sugar after evaporation (grams per 100 cc)-----	0.15
Lead precipitate: Fair.	
Polarization-----	0.0
Ash (grams per 100 cc)-----	0.25
Total P ₂ O ₅ (mg per 100 cc)-----	34.0
Total acid (grams per 100 cc)-----	4.86

These results show that the product consists largely of either distilled vinegar or dilute acetic acid.

The other shipment of December 4, 1913, was labeled: "Distributed by the B. C. Twenhofel Mfg. Co. Pure Sugar Vinegar, 45 gals. Kansas City, Kansas."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Glycerin (grams per 100 cc)-----	0.06
Solids (grams per 100 cc)-----	1.36
Nonsugar solids (grams per 100 cc)-----	1.25
Reducing sugar after evaporation (grams per 100 cc)-----	0.11
Color (degrees, brewer's scale, 0.5 inch)-----	60.0
Lead precipitate: Fair.	
Ash (grams per 100 cc)-----	0.32
Total acid (grams per 100 cc)-----	4.92
Polarization: Too dark to read.	

These results show that the product consists largely of either distilled vinegar or dilute acetic acid.

The shipment of March 31, 1913, was labeled: "Sugar 60° 47."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Glycerin (grams per 100 cc)-----	0.12
Solids (grams per 100 cc)-----	1.78
Nonsugar solids (grams per 100 cc)-----	1.41
Reduced sugar after evaporation (grams per 100 cc)-----	0.37
Colors (degrees, brewer's scale, 0.5 inch)-----	26.0
Lead precipitate: Small amount; flocculent.	
Polarization: Too dark to read.	
Ash (grams per 100 cc)-----	0.28
Total acid (grams per 100 cc)-----	5.91

These results show that the product consists largely of either distilled vinegar or dilute acetic acid.

The vinegar sold May 24, 1913, and shipped May 27, 1913, was labeled: "Pure Sugar M-V-W Vinegar Manufactured Bottled and Guaranteed by Monarch Vinegar Works. Kansas City, Mo."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Glycerin (grams per 100 cc)-----	0.11
Solids (grams per 100 cc)-----	1.10
Nonsugar solids (grams per 100 cc)-----	0.85
Reduced sugar after evaporation (grams per 100 cc)-----	0.25
Color (degrees, brewer's scale 0.5 inch)-----	19.0
Alcohol (per cent by volume)-----	0.28
Ash (grams per 100 cc)-----	0.20
Total acid (grams per 100 cc)-----	4.86

These results show that the product consists largely of either distilled vinegar or dilute acetic acid.

Adulteration of the article in each shipment, including that portion sold under a guaranty, was alleged in the information for the reason that a substance, to wit, a distilled vinegar or dilute acetic acid, had been substituted, in whole or in part, for corn sugar vinegar (or pure apple cider vinegar, pure sugar vinegar, sugar vinegar, or pure sugar vinegar, as the case might be), which the article purported to be.

Misbranding of the article shipped December 4, 1912, and March 31, 1913, was alleged in the information, for the reason that it was offered for sale and sold under the distinctive name of another article, to wit, corn sugar vinegar

(or sugar vinegar, as the case might be), whereas, in truth and in fact, it was not, but was a product consisting, in whole or in part, of distilled vinegar or dilute acetic acid. Misbranding was alleged for the further reason that the statement, to wit, "Corn sugar 85 G. 48." (or "Sugar 60° 47."), borne on the barrels containing the article, was false and misleading, in that it represented to the trade that the article was genuine corn sugar vinegar (or sugar vinegar, as the case might be), and for the further reason that it was labeled in each instance as aforesaid so as to deceive and mislead the purchaser thereof into the belief that, according to the understanding and custom of the trade, it was genuine corn sugar vinegar (or genuine sugar vinegar, as the case might be), whereas, in truth and in fact, it was not, but was a product consisting, in whole or in part, of distilled vinegar or dilute acetic acid.

Misbranding of the article in the two shipments of December 4, 1913, was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar" (or "Pure Sugar Vinegar"), borne on the barrels containing the article, was false and misleading, in that it represented that the article was pure apple cider vinegar (or pure sugar vinegar, as the case might be), and for the further reason that it was labeled "Pure Apple Cider Vinegar" (or "Pure Sugar Vinegar") so as to deceive and mislead the purchaser thereof into the belief that it was pure apple cider vinegar (or pure sugar vinegar, as the case might be), when, in truth and in fact, it was not, but was a product consisting, in whole or in part, of distilled vinegar or dilute acetic acid.

Misbranding of the article sold under a guaranty on May 24, 1913, was alleged for the reason that the statement "Pure Sugar Vinegar," borne on the label attached to each of the bottles containing the article, was false and misleading, in that it represented that the article was pure sugar vinegar; and for the further reason that it was labeled "Pure Sugar Vinegar" so as to deceive and mislead the purchaser into the belief that it was pure sugar vinegar, whereas, in truth and in fact, it was not, but was a product consisting, in whole or in part, of distilled vinegar or dilute acetic acid.

On December 23, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*