

**3889. Adulteration and misbranding of so-called pure cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 4130. I. S. No. 856-d.)**

On August 4, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging the sale by said company, on May 10, 1911, under a written guaranty that the product complied with the National as well as the pure-food laws of all States, of a quantity of so-called pure cider vinegar which was an adulterated and misbranded article of food within the meaning of the Food and Drugs Act, and which said article, after having been repacked but not altered, adulterated, or misbranded in any manner by the purchaser thereof, was on May 12, 1911, in violation of the Food and Drugs Act, shipped by said purchaser from the State of Illinois into the State of Iowa, and thereafter a portion of said product was shipped by the Iowa consignee thereof on June 7, 1911, from the State of Iowa into the State of South Dakota, in violation of said Food and Drugs Act.

The defendant company invoiced the product as "Pure Cider Vinegar, 45 grain." The purchaser under the guaranty, after repacking it, labeled the same "#32 Mason Squire 45 grain Cider Vinegar." The Iowa consignee labeled the portion that he shipped "#32 Tac-co quarts Cider Vinegar."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Glycerol.....	0.10
Solids.....	1.69
Nonsugar solids.....	1.12
Reducing sugar before inversion after evaporation.....	0.57
Sugar in solids (per cent).....	33.8
Polarization, direct, at 28° C. (°V.).....	-0.9
Ash.....	0.36
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	38.0
Total P <sub>2</sub> O <sub>5</sub> (mg per 100 cc).....	24.4
Acetic acid.....	4.62
Fixed acid.....	0.01
Lead precipitate: Medium.	
Color (degrees, Brewer's scale, 0.5-inch cell).....	6.0
Ash in nonsugar solids (per cent).....	32.1

Adulteration of the product was alleged in the information for the reason that it was sold and delivered as pure cider vinegar, 45 grain, whereas, in truth and in fact, another substance, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been substituted wholly for the article of food aforesaid; and, further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, had been substituted in part for the article of food aforesaid. Misbranding of the article was alleged for the reason that it was so sold and delivered by the defendant company as pure cider vinegar, 45 grain, whereas, in truth and in fact, it consisted of a solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, and was an imitation of another article of food, to wit, pure cider vinegar, 45 grain; further, in that said article of food was so sold and delivered as pure cider vinegar, 45 grain, whereas, in truth and in fact, it consisted of a dilute

solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars and added ash material, which was offered for sale under the distinctive name of another article of food, to wit, pure cider vinegar, 45 grain.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and on September 15, 1914, the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 28, 1915.*

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