

# CPG Sec. 525.825 Vinegar, Definitions - Adulteration with Vinegar Eels

## I. DEFINITIONS

### BACKGROUND:

No standards of identity for vinegar have been established under the Federal Food, Drug, and Cosmetic Act. Historically, definitions have been developed for different types or combinations of types of vinegars. These remain current Agency policy for labeling purposes.

One of the landmark court decisions under the Food and Drugs Act of 1906 was that the Supreme Court in the case of U.S. v. 95 Barrels, More or Less, Alleged Apple Cider Vinegar, (265 U.S. 438, 1924), in which the Supreme Court held that vinegar made from dried apples was not the same as that which would have been produced from the apples without dehydration, and that the name "Apple Cider Vinegar" did not represent the article to be what it really was.

### POLICY:

FDA considers the following to be satisfactory guidelines for the labeling of vinegars:

Natural vinegars as they come from the generators normally contain in excess of 4 grams of acetic acid per 100 mL. When vinegar is diluted with water, the label must bear a statement such as "diluted with water to \_\_\_\_\_ percent acid strength", with the blank filled with the actual percent of acetic acid - in no case should it be less than 4 percent. Each of the varieties of vinegar listed below should contain 4 grams of acetic acid per 100 mL.(20oC).

### VINEGARS:

1. VINEGAR, CIDER VINEGAR, APPLE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of the juice of apples.
2. WINE VINEGAR, GRAPE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of the juice of grapes.
3. MALT VINEGAR. The product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt.
4. SUGAR VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of sugar sirup, molasses, or refiner's sirup.
5. GLUCOSE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of a solution of glucose. It is dextrorotatory.

6. SPIRIT VINEGAR, DISTILLED VINEGAR, GRAIN VINEGAR. The product made by the acetous fermentation of dilute distilled alcohol.
7. VINEGAR, MADE FROM A MIXTURE OF SPIRIT VINEGAR AND CIDER VINEGAR. The product should be labeled as a blend of the products with the product names in order of predominance. This labeling is applicable to a similar product made by acetous fermentation of a mixture of alcohol and cider stock.
8. VINEGAR MADE FROM DRIED APPLES, APPLE CORES OR APPLE PEELS. Vinegar made from dried apples, apple cores or apple peels should be labeled as "vinegar made from \_\_\_\_\_," where the blank is filled in with the name of the apple product(s) used as the source of fermented material.

## II. ADULTERATION WITH VINEGAR EELS

### BACKGROUND:

Because some information which indicates that vinegar eels aid in vinegar production, we do not believe the finding of vinegar eels in a firm's bulk storage tanks or generators should be considered as an objectionable condition unless the firm's filtration system is not functioning or unless the eels are present in the finished product.

### POLICY:

The finding of vinegar eels in finished product would be considered objectionable and would render the finished product adulterated within the meaning of 402(a)(3).

### REGULATORY ACTION GUIDANCE:

The following represents criteria for direct reference seizure \*requests to the Office of Human and Animal Food Operations (OHAFO) in consultation with the Office of Enforcement and Import Operations (OEIO) and CFSAN, and for direct citation by the appropriate Field Office within the Human and Animal Food Program\*:

Actionable if finished vinegar in consumer-sized bottles contains any vinegar eels.

### SPECIMEN CHARGE:

Article adulterated (when introduced into and while in interstate commerce) (while held for sale after introduction into interstate commerce), within the meaning of 21 U.S.C. 342(a)(3), in that it consists in part of a filthy substance by reason of the presence therein of vinegar eels.

NOTE: Only use direct reference citation authority when prosecution is anticipated and evidence to support a prosecution is included with the adulteration charge. Evidence

necessary to support a prosecution is specified in existing regulatory procedures issuances.

\*Material between asterisks is new or revised.\*

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