



K18 Is Car Driving Under the Influence of Sauerkraut Punishable?

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After attending this presentation, attendees will understand that an alcohol level greater than 2 g/kg cannot be explained by an endogenous production and that one should not believe any allegation made by a driver under the influence of alcohol.

This presentation will impact the forensic community and/or humanity by demonstrating the utility of using any possibilities to find the real source of alcohol in blood in case of major alcohol-impaired driving.

The forensic expert must occasionally face issues that are not only unusual but also quite interesting on an anecdotal level, without ever compromising the underlying scientific validity of the expert's work. This case certainly belongs to this peculiar type of forensic investigations.

The case concerns a criminal investigation of a woman driver, aged 57 at the time of the events, and suspected of driving under the influence of alcohol. The driver was involved in a traffic accident, causing only minimal material damage. Her alcohol levels were measured at 2.3 g/kg, as determined by an ethylometer test conducted by the police after the accident. A blood test, carried out shortly after, revealed an alcohol level (2.16 g/kg) consistent with major alcohol-impaired driving.

The driver assured the investigators that she did not consume the slightest drop of alcohol. A medical certificate delivered subsequently by her treating physician indicated that the observed alcohol levels were caused by gastrointestinal fermentation of sauerkraut ingested prior to the accident. The physician's conclusions relied on evidence found in the scientific literature and on various tests carried out on his patient.

A forensic expert was mandated by the investigative magistrate to determine whether the woman driver was capable of producing ethanol endogenously and if so, to describe the circumstances and the magnitude of this phenomenon.

The goal of the forensic investigation was to determine whether sauerkraut consumption could indeed lead to alcohol levels above 2 g/kg, in which case the authorities should recommend that prior to driving, sauerkraut should only be "eaten in moderation."

Drunk Driving, Endogenous Alcohol Production, Sauerkraut