

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 207, FOOD AND DRUGS ACT.

MISBRANDING OF VINEGAR.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 78 Casks of Vinegar, a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of said 78 casks of vinegar, lately pending, and finally determined on September 16, 1909, in the District Court of the United States for the District of Kansas, by rendition of an order of the court dismissing the cause and releasing and surrendering the goods seized to the Robinson Cider & Vinegar Company, the claimant in the case, upon execution and filing of a bond approved by the court.

On May 14, 1909, Dr. S. J. Crumbine, secretary of the State Board of Health of Kansas, acting under the authorization of the Secretary of the United States Department of Agriculture in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Meinrath Brokerage Company, Wichita, Kans., 78 casks of vinegar labeled "Warranted Cider Vinegar," these goods having been shipped by the Robinson Cider & Vinegar Company from Benton Harbor, Mich., on or about April 27, 1909, to the Wichita Vinegar Works, Wichita, Kans., which had refused to accept the consignment. A sample taken from the shipment was subjected to analysis by a collaborating chemist of the Bureau of Chemistry, and it was found not to be a cider vinegar, as claimed, in that it was not made wholly or entirely of apples, but contained less than 0.25 gram of apple ash in 100 cubic centimeters, and less than 30 cubic centimeters of decinormal acid were required to neutralize its alkalinity. The product was therefore misbranded under section 8 of the act in that it was labeled "Warranted Cider Vinegar," whereas, in fact, the casks contained a product which was not cider vinegar.

Accordingly, on May 26, 1909, the secretary of the State Board of Health of Kansas notified the United States Attorney for the District of Kansas that the aforesaid 78 casks of vinegar were then in the possession of the above-stated Meinrath Brokerage Company, Wichita, Kans., having been shipped as above stated, and that they were misbranded within the meaning of the act. On May 26, 1909, the United States Attorney filed a libel in the District Court of the United States for the District of Kansas praying seizure, condemnation, and forfeiture of the said vinegar. To this libel the Robinson Cider & Vinegar Company, of Benton Harbor, Mich., appeared, set up its claim to the vinegar, and filed a motion to dismiss the cause upon execution and filing of a bond to be approved by the court conditioned that the goods seized would not be sold or otherwise disposed of contrary to the laws of the United States or of any State or Territory. The case having come on for hearing on the motion, on September 16, 1909, the court issued an order, in substance and in form as follows, dismissing the cause upon execution and filing of a bond to be approved by the court:

IN THE DISTRICT COURT OF THE UNITED STATES, FOR THE DISTRICT OF KANSAS,
SECOND DIVISION.

UNITED STATES, <i>Plaintiff.</i>	}
<i>vs.</i>	
SEVENTY-EIGHT CASKS OF VINEGAR, <i>Defendant.</i>	

ORDER.

Now, on this 16th day of September A. D. 1909, this cause comes on for hearing on the motion of The Robinson Cider & Vinegar Company of Benton Harbor, Michigan, to discharge the property seized in this action by the Marshal of the United States for the District of Kansas, upon a warrant or order of seizure issued herein. The plaintiff appears by H. J. Bone, the United States District Attorney, and the said The Robinson Cider & Vinegar Company appearing by Holmes & Yankey, its attorneys, and the court having heard the matter, and being fully advised in the premises, it is considered, ordered, and decreed that upon the payment of all the costs herein by the said The Robinson Cider & Vinegar Company, and upon the said Company executing and filing a good and sufficient bond in the sum of One Thousand (\$1000.00) Dollars to be approved by the Judge of this Court, conditioned that the said goods seized in this action will not be sold or otherwise disposed of contrary to the law of any state or territory, the goods so seized shall thereupon be released and surrendered to the said The Robinson Cider & Vinegar Company, and this cause shall stand dismissed.

The said claimant, the Robinson Cider & Vinegar Company, having complied with the terms of the aforesaid order and section 10 of the Food and Drugs Act of June 30, 1906, the said 78 casks of vinegar were redelivered to it.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 18, 1910.*