

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 927, FOOD AND DRUGS ACT.

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### MISBRANDING AND ALLEGED ADULTERATION OF VINEGAR.

On or about December 6, 1909, the Oakland Vinegar and Pickle Company, Saginaw, Mich., shipped from the State of Michigan into the State of Minnesota 100 barrels of a food product labeled: "Highland brand fermented pure cider vinegar—50 gallons—4½%." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of a mixture of dilute acetic acid or distilled vinegar and a foreign material high in reducing sugars, and added ash material, prepared in imitation of cider vinegar. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

In due course a libel was filed in the District Court of the United States for the said district against the said 100 barrels of vinegar, charging the above shipment and alleging that the product so shipped was adulterated in that dilute acetic acid or distilled vinegar and a foreign material high in reducing sugars and added ash material or mineral substances had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the article, cider vinegar; and also alleging the product to be misbranded because it was labeled as above set forth in such manner as to mislead and deceive the purchaser into the belief that the product was pure cider vinegar, when in truth and in fact it was an adulterated product as above set forth, prepared in imitation of and sold under the distinctive name of

another article, pure cider vinegar, and praying seizure, condemnation, and forfeiture of the product. Thereupon the said Oakland Vinegar and Pickle Company filed its claim to the above product and its answer to the above allegations of the libel, but subsequently consented that the above cause should proceed as if no answer or claim had been filed by it therein.

On December 6, 1910, the cause came on for hearing, and the court being fully informed in the premises issued its decree finding that twenty-two barrels of vinegar, which were all that the marshal was able to seize, were misbranded as alleged in said libel, and condemning and forfeiting the same to the United States, with the proviso, however, that the said twenty-two barrels should be released to the above-mentioned claimant upon the payment of all the costs of said proceedings and the execution and delivery of a good and sufficient bond in the sum of \$500, conditioned that the said twenty-two barrels should not be sold or disposed of contrary to law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 31, 1911.*

