

4169. Adulteration and misbranding of vinegar. U. S. v. 47 Barrels * * * of * * * Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 6279, 6280, 6281. I. S. No. 12282-k. S. No. C-156.)

On February 8, 1915, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 47 barrels, more or less, of a product purporting to be apple vinegar, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the product had been shipped and transported from the State of Kentucky into the State of Indiana, the shipment having been received on or about December 18, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Old Kentucky Cider Vinegar Works O. K. Brand, Pure Apple Vinegar, Reduced to 4 per cent Acid Strength, Covington, Ky." (On reverse head) "Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 49547."

It was alleged in the libel that the product had mixed and packed with it distilled vinegar and [or] dilute acetic acid; that dilute acetic acid had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality; that dilute acetic acid and [or] distilled vinegar had been substituted in part for pure apple vinegar in said product; and that the product in each of the barrels was adulterated, contrary to the laws of Congress in that behalf made and provided.

It was further alleged in the libel that the product was an imitation of pure apple vinegar, and was a product consisting in part of distilled vinegar and [or] acetic acid; further, that the product was offered for sale under the distinctive name of pure apple vinegar, when, in fact, it was not pure apple vinegar; further, that the product was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof in that the aforesaid labels would deceive and mislead the purchaser thereof into believing that the product in each of said barrels was pure apple vinegar, when, in fact, it was not pure apple vinegar. It was further alleged that the product contained in each of the barrels was misbranded, contrary to the laws of Congress made and provided in that behalf.

On September 21, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, but that before making such sale he should remove and obliterate all marks, brands, and figures indicating the substance contained in the barrels, and should rebrand the same by placing thereon "A Compound of Apple Waste Vinegar, Acetic Acid and Water."

CARL VROOMAN, *Acting Secretary of Agriculture.*