

4183. Adulteration and misbranding of vinegar. U. S. v. 23 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 6331, 6332, 6333, 6334, 6335, 6336, 6337, 6338. I. S. Nos. 1188-k, 1190-k, 1191-k, 1192-k, 1193-k. S. No. E-226.)

On March 4, 1915, the United States attorney for the Eastern District of Virginia, 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 23 barrels of vinegar, remaining unsold in the original unbroken packages at Cherrydale, Ballston, Falls Church, and Clarendon, Va., alleging that the article had been shipped, on November 26 and 28 and December 2 and 7, 1914, and transported from the State of New York into the District of Columbia, and shipped, on or about December 9, 1914, from the District of Columbia into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On one head of barrels) "Purity Vinegar Works, Cohocton, N. Y., Purity Brand Pure Apple Cider Vinegar, Geo. Naas and Son Co. Prop." (On other head of barrels) "Reduced with Water."

Adulteration of the article was alleged in the libel for the reason that a certain substance had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, that is to say, a certain substance known as spirit vinegar, to wit, from 15 to 20 per cent spirit vinegar. It was further alleged that the vinegar was adulterated by the addition of boiled cider, phosphoric acid, and carbonate of potash.

Misbranding was alleged for the reason that the article was labeled "Pure Apple Cider Vinegar," whereas, it was, in fact, vinegar to which spirit vinegar, boiled cider, phosphoric acid, and carbonate of potash had been used in sophistication of the said product.

On July 8, 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, after the same should have been relabeled.

(The report of this department, upon which proceedings in this case were based, did not include a finding that the vinegar was adulterated by the addition of boiled cider, phosphoric acid, and carbonate of potash.)

CARL VROOMAN, *Acting Secretary of Agriculture.*