

5394. Adulteration and misbranding of vinegar. U. S. * * * v. 95 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7921. I. S. Nos. 11245-m, 11246-m, 11247-m. S. No. C-606.)

On December 16, 1916, the United States attorney for the Eastern District of Wisconsin, 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 95 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that 80 barrels had been shipped on or about October 24, 1916, and that 15 barrels had been shipped on or about September 14, 1916, by the Benton Fruit Products Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hoffmann's Gold Medal Brand Cider Vinegar 4%" (or "4½%" or "5%") "* * * Benton Fruit Products Co. Benton Harbor Mich. Reduced to 4%" (or "4½%" or "5%") "acetic strength. Fermented Cider Vinegar."

Adulteration of the article in each shipment was alleged in the libel for the reason that distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials had been substituted wholly for cider vinegar which the article purported to be.

It was alleged in substance in the libel that the article in each shipment was misbranded for the reason that the label on each of the barrels bore a statement which indicated that the article was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials. It was further alleged that the article was an imitation of cider vinegar, and was offered for sale under the distinctive name of cider vinegar, whereas, in truth and in fact, it was not cider vinegar, but was a mixture of distilled vinegar or dilute acetic acid, boiled cider, sodium carbonate, and other ash materials.

On February 17, 1917, G. B. Gehlert, doing business as the Benton Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be redelivered to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*