

5539. Adulteration and misbranding of vinegar. U. S. * * * v. 20 Barrels * * * Acme Brand Apple Vinegar * * *. Default decree of condemnation, forfeiture, and destruction. (E. & D. No. 7303. I. S. No. 11458-1. S. No. C-467.)

On April 15, 1916, the United States attorney for the Southern District of Iowa, 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 20 barrels Acme Brand apple vinegar, remaining unsold in the original unbroken packages at Ottumwa, Iowa, alleging that the article had been shipped on or about March 7, 1916, by the Gist-Leo Vinegar Co., Springfield, Mo., and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce or lower its quality or strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Apple Vinegar;" and for the further reason that it was labeled "Apple Vinegar," so as to deceive and mislead the purchaser into the belief that it was cider vinegar, when, in truth and in fact, it was not.

On March 15, 1917, 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 destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*