

4235. Adulteration and misbranding of vinegar. U. S. * * * v. 40 Barrels * * *, 9 Casks * * *, and 48 Cases * * * of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6528. I. S. Nos. 14902-k, 14903-k, 14904-k. S. No. C-221.)

On May 12, 1915, the United States attorney for the Western District of Oklahoma, 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 40 barrels, more or less, 9 casks, more or less, each containing 6 dozen bottles, and 48 cases, more or less, each containing 6 one-gallon bottles of vinegar, remaining unsold in the original unbroken packages at Mangum, Okla., alleging that the product had been shipped, on or about March 24, 1915, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 40 barrels were labeled: "Gold Dolar Brand Pure Apple Cider Vinegar Reduced to four per cent acetic strength."

It was alleged in the libel that the article of food in the barrels was adulterated and was in violation of said act of Congress in that said barrels and each of them contained distilled vinegar or a dilute solution of acetic acid which had been substituted wholly or in part for pure apple cider vinegar reduced to 4 per cent acetic strength.

It was further alleged that the article was misbranded in violation of said act of Congress, and that the statement, design, and device, and labels of said barrels were false, misleading, and deceptive and so [such] as to mislead and deceive the purchaser or purchasers thereof in that said barrels did not contain pure apple cider vinegar reduced to 4 per cent acetic strength as on said label and brand stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar or a dilute solution of acetic acid [which] had been substituted wholly or in part for the article.

The casks and bottles therein were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength. Manufactured by the most improved methods expressly for fine table use, salads, etc. * * * Contains 25 fluid ounces or more."

It was alleged in the libel that the article of food in said casks and bottles was misbranded in violation of said act of Congress and that the statement, design, and device, and labels of said casks and bottles were false, misleading, and deceptive and so [such] as to mislead and deceive the purchaser and purchasers thereof in that said casks and bottles did not contain pure apple cider vinegar reduced to 4 per cent acetic strength as on said labels and brands stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar or a dilute solution of acetic acid [which] had been substituted wholly or in part for the article purporting to be contained therein, to wit, pure apple cider vinegar reduced to 4 per cent acetic strength.

The cases and bottles therein were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength. Manufactured by most improved methods expressly for fine table use, salads, etc. * * * Contains 128 fluid ounces."

It was further alleged in the libel that the article of food in said barrels, casks, cases, and bottles, was adulterated and in violation of said act of Congress, in that each of said barrels, casks, cases, and bottles contained distilled vinegar or a dilute solution of acetic acid which had been substituted for apple cider vinegar.

It was further alleged that the article of food in said bottles and cases was misbranded in violation of said act of Congress, and that the statement, design,

and device, and labels of said cases and bottles were false, misleading, and deceptive, and so [such] as to mislead or deceive the purchaser or purchasers thereof in that said cases and bottles did not contain pure apple cider vinegar reduced to 4 per cent acetic strength, as on said labels and brands stated, but, in truth and in fact, contained distilled vinegar, or a dilute solution of acetic acid [which] had been substituted wholly or in part for pure apple cider vinegar reduced to 4 per cent acetic strength.

On June 19, 1915, the Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant company, upon payment of the costs of the proceedings and the execution and delivery of bond in the sum of \$350, in conformity with section 10 of the act.

(The report of this department, upon which the proceedings in this case were based, stated that the product was prepared from apple waste and distilled vinegar or a dilute solution of acetic acid.)

C. F. MARVIN, *Acting Secretary of Agriculture.*