

4246. Adulteration and misbranding of vinegar. U. S. * * * v. 5 Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6554. I. S. No. 14564-k. S. No. C-233.)

On May 24, 1915, the United States attorney for the Southern District of Ohio, 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 5 barrels of vinegar, remaining unsold in the original unbroken packages at Middletown, Ohio, alleging that the product had been shipped and transported from the State of Illinois into the State of Ohio and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (In stencil) "B. T. Chandler & Son—40 Grain Vinegar." (On tag attached to each end of barrel) "Dayton and Cincinnati, O. Established 1875." Cut of barrel, with following legend on head: (Picture of apple) "We warrant our vinegar to test 40 Grains strength. B. T. Chandler & Son, 31 East 55th Street, Chicago Cider & Vinegar Works Apple Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, artificially colored distilled vinegar, or an artificially colored dilute solution of acetic acid, had been substituted for what the said article, by its label, purported to be, to wit, apple cider vinegar of a strength of 40 grain.

Misbranding was alleged for the reason that the labels, marks, and brands aforesaid upon said barrels bore certain statements, to wit, "40 Grains" and "Apple Cider Vinegar," regarding said article and the ingredients and substances contained therein, which said statements were false and misleading in that said article of food was not of the strength known and described as 40 grain and was not apple cider vinegar, but, in truth and in fact, said article was an artificially colored distilled vinegar or an artificially colored dilute solution of acetic acid, having actually a strength less than that known and described as 40 grain; for the further reason that said article of food was an imitation of, and offered for sale under the distinctive name of, another article of food, to wit, apple cider vinegar of the full strength of 40 grain. Misbranding was alleged for the further reason that said article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the same was apple cider vinegar of a strength of 40 grain, whereas, in truth and in fact, it was not apple cider vinegar of the strength stated, but was artificially colored distilled vinegar or an artificially colored dilute solution of acetic acid of a strength less than 40 grain.

On September 13, 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 destroyed by the United States marshal.

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