

Issued September 10, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1617.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF SO-CALLED SUGAR VINEGAR.

On March 11, 1912, the United States Attorney for the Southern District of Illinois, 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 63 barrels purporting and representing to contain sugar vinegar, remaining unsold in the original unbroken packages and in possession of the Wilson Grocery Co., a corporation, Peoria, Ill., alleging that the product had been shipped on or about December 1, 1911, by the Avis Cider & Vinegar Co., St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Wilson Grocery Co., Distributors, pure sugar Progress Brand vinegar, Peoria."

Adulteration was alleged in the libel for the reason that the product consisted wholly or in part of distilled vinegar which had been packed in the barrels in imitation of sugar vinegar, so that distilled vinegar had been substituted wholly or in part for sugar vinegar, and so that the product was so packed and mixed in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the barrels containing the product had attached and affixed thereto a brand, label, and device which bore a statement regarding such article and the ingredients or substances contained therein which were false and misleading in that each of said brands, labels, and devices purported and declared that the product was sugar vinegar, when, in truth and in fact, it consisted in whole or in part of distilled vinegar made in

imitation of sugar vinegar; and in that it was in imitation of and offered for sale under the distinctive name of sugar vinegar, when, in truth and in fact, it was not sugar vinegar, but an imitation thereof.

On April 3, 1912, the Wilson Grocery Co., Peoria, Ill., claimant, filed its plea and answer denying the allegation in the libel that the product did not contain sugar vinegar but contained a product consisting wholly or in part of dilute acetic acid or distilled vinegar, and that the branding of the product was false and misleading or unlawful, but admitted for the purposes of the case and for no other purpose, that portion of the libel alleging that the product was misbranded. On the same date a decree of condemnation and forfeiture was entered, the court finding the product adulterated and misbranded. It was ordered that, upon execution of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$500, the 64 barrels of the product that had been seized should be released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1912.*

