

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1776.

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

ADULTERATION AND MISBRANDING OF SO-CALLED APPLE BASE CIDER.

On March 5, 1912, the United States Attorney for the Western District of Texas, 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 100 half-barrels, each containing 32 gallons of a product called apple base cider, remaining unsold in the original, unbroken packages and in possession of the Western Novelty Co., a corporation, San Antonio, Tex., alleging that the product had been shipped on or about January 18, 1912, by the Burgie Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Texas and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Burgie Vinegar Co. Apple Base Cider, Memphis, Tenn. Contains 1/10 of 1% of Benzoate of Soda 32". That part of the label containing the statement relative to the quantity of benzoate of soda was very indistinctly marked on the half-barrels.

Adulteration and misbranding were alleged in the libel for the reason that the half-barrels did not contain true apple base cider as they purported to and as they were labeled, but they contained, to wit, an imitation, diluted, adulterated, and an inferior liquid and compound, styled cider, and the labeling of the half-barrels as containing apple base cider was misleading and false so as to deceive and mislead the purchasers and was misbranded within the meaning of said Act and so as to offer the contents for sale as half-barrels containing apple base cider, but same contained an imitation, adulterated compound and liquid, consisting of various substituted in-

gredients, consisting wholly or in part of fermented solution of glucose or impure starch sugar, water, and perhaps some cider. That said article was adulterated and an imitation and offered for sale under the distinctive name of another article and was mixed and compounded in a manner whereby damage, imitation, adulteration, and inferiority were concealed and in such a manner as to reduce, lower, and injuriously affect its value, quality, and strength, and that said product was adulterated.

On May 15, 1912, the said Burgie Vinegar Co., Memphis, Tenn., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was further ordered that upon payment of the costs of the proceeding by the claimant and the execution and delivery of bond in the sum of \$500, in conformity with section 10 of the Act, the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 21, 1912.*