

5600. Adulteration and misbranding of vinegar. U. S. * * * v. 7 Half Barrels * * * of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6522. I. S. No. 15402-k. S. No. C-219.)

On May 12, 1915, the United States attorney for the eastern 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 7 half barrels of vinegar, consigned on or about January 29, 1915, remaining unsold in the original unbroken packages at Jacksonville, Tex., alleging that the article had been shipped by Dawson Bros. Mfg. 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.

Adulteration of the article was alleged in the libel for the reason that a dilute solution of acetic acid had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that an artificially colored distilled vinegar or a dilute solution of acetic acid had been substituted wholly or in part for apple vinegar.

Misbranding of the article was alleged in substance for the reason that it was labeled, to wit, "Southern Beauty Brand Apple Vinegar, diluted to 4 per cent acid strength," when, in truth and in fact, it was not apple vinegar, but was an imitation of, and offered for sale under the distinctive trade name of, apple vinegar, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser in that it purported to be apple vinegar, when, in truth and in fact, it was simply an artificially colored distilled vinegar or a dilute solution of acetic acid.

On January 22, 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.

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