

5636. Adulteration and misbranding of vinegar. U. S. * * * v. 65 Barrels * * * of * * * Pure Cider Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7312. I. S. No. 12325-1. S. No. C-470.)

On April 17, 1916, the United States attorney for the District of Kansas, 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 65 Barrels of so-called pure cider vinegar remaining unsold in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped on or about March 31, 1916, by the Gist-Leo Vinegar Co., Springfield, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled "T. B. M. Best Made Pure Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of distilled vinegar or dilute acetic acid which had been mixed and packed therewith and substituted for the pure product in such a manner as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statement on the labels on the barrels, to wit, "T. B. M. Best Made Pure Cider Vinegar," was false and misleading and calculated to induce the purchaser to believe that the so called pure cider vinegar was pure, when, in truth and in fact, it was not, but was adulterated as above set forth.

On June 21, 1917, the case having come on to be heard on the pleadings, and the court having considered the pleadings and the evidence, judgment of condemnation and forfeiture was entered, providing among other things that the vinegar might be released upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product should be properly relabeled. On June 30, 1917, the Gist-Leo Vinegar Co., Springfield, Mo., having executed bond as directed in the decree and the costs of the proceedings having been paid, it was ordered by the court that the product should be released to said claimant company.

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