

5380. Adulteration and misbranding of vinegar. U. S. * * * v. 80 Barrels of Vinegar * * *. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7904. I. S. No. 11235-m. S. No. C-593.)

On December 6, 1916, the United States attorney for the Eastern District of Wisconsin, 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 80 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about November 4, 1916, by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Guaranteed Cider Vinegar 4 percentum * * *"

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed with cider vinegar so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for cider vinegar; and for the further reason that it had been mixed and colored with caramel, a coloring-matter product, in a manner whereby damage and inferiority were concealed.

It was alleged in substance in the libel that the article was misbranded for the reason that the label on each of said barrels bore a statement which indicated that the article was cider vinegar, which said statement was false and misleading and such as to deceive and mislead the purchaser into the belief that the article was cider vinegar, when, in truth and in fact, it was not, but distilled vinegar or dilute acetic acid and caramel had been mixed and packed with said vinegar. It was further alleged that the article was an imitation of cider vinegar and was offered for sale under the distinctive name of another article, to wit, cider vinegar, whereas, in truth and in fact, it was not, but was a mixture in which distilled vinegar or dilute acetic acid and caramel had been mixed and packed with the said vinegar.

On February 17, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it appearing that the article might be relabeled in such manner as to render its shipment not unlawful, it was ordered by the court that the product be redelivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*