

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 690, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about September 6, 1909, Barrett & Barrett, Chicago, Ill., shipped from the State of Illinois to the State of Wisconsin a quantity of a liquid in barrels, which were labeled "Barrett & Barrett. Cider Vinegar. Made '08, 50 gallons. Chicago. 4% acetic acid." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Barrett & Barrett and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On September 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Barrett & Barrett, charging the above shipment, and alleging that the product so shipped was adulterated, in that a certain article, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had been mixed and packed with the product so as to injuriously affect its quality and strength; in that a certain substance, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had been substituted wholly or in part for the article, thereby reducing, altering, and injuriously affecting its quality and strength; in that a certain substance, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had theretofore been and was then and there substituted in part for the said article; and in that the product was colored in a manner whereby its inferiority was concealed; and alleging that the product was misbranded, in that it was labeled as above set forth, whereas in truth and in fact it was a mixture of distilled vinegar and a product high in reducing sugars and was an imitation of another article, to wit, pure cider vinegar; in that the product

was offered for sale under the distinctive name of another article, to wit, pure cider vinegar; in that the product was invoiced and sold to the dealer as pure cider vinegar, whereas in truth and in fact it was an imitation of pure cider vinegar and was a mixture high in reducing sugars; and in that the statements upon the labels were false and misleading, because they tended to deceive and mislead the purchaser into believing that he was obtaining a pure cider vinegar made by the alcoholic and subsequently acetous fermentations of the juice of apples, when in truth and in fact the product was an adulterated one consisting of a mixture of distilled vinegar and a product high in reducing sugars.

On September 20, 1910, the defendant entered a plea of not guilty, but on October 6, 1910, withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 2, 1910.*