

Issued August 21, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1562.

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

ADULTERATION AND MISBRANDING OF VINEGAR.

On June 6, 1911, the United States Attorney for the District of Minnesota, 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 and in possession of Stone Ordean Wells Co., Duluth, Minn., alleging that this product had been shipped on May 5, 1911, by the Oakland Vinegar & Pickle Co., Saginaw, Mich., and transported from the State of Michigan into the State of Minnesota and charging adulteration and misbranding in violation of the Food and Drugs Act. The Product was labeled: "4½ Per Cent Acetic Acid Wampum Pure Sugar Vinegar 50 Gals. Manufd by Oakland Vinegar and Pickle Co., Saginaw, Mich."

Adulteration of the product was alleged in the libel for the reason that alcoholic distillates and distilled vinegar had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength and that said alcoholic distillates and distilled vinegar had been substituted wholly or in part for the article, to wit, pure sugar vinegar. Misbranding was alleged in the libel for the reason that the label on the product bore a statement which was false and misleading in that it was described as pure sugar vinegar, whereas in truth and in fact it was distilled vinegar. The product was further misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, "pure sugar vinegar", and further in that it was labeled and branded so as to deceive and mislead the purchaser, by representing that it was pure sugar vinegar, while in truth and in fact one of its ingredients was alcoholic distillates and distilled vinegar.

On January 10, 1912, the Oakland Vinegar & Pickle Co., which had appeared as claimant, withdrew its answer and consented to a decree. On January 27, 1912, a decree of condemnation and forfeiture was entered and it was further ordered that upon payment of costs by said claimant and the execution of a bond by it in conformity with section 10 of the Act, fixed by the court at \$500, the 67 barrels of the product that had been seized should be released to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 5, 1912.*

1562

