

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1590.

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

### ADULTERATION AND MISBRANDING OF VINEGAR.

On August 11, 1911, the United States Attorney for the District of Colorado, 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 20 barrels purporting to contain pure apple vinegar, remaining unsold in the original unbroken packages, and in the possession of the Eloma Manufacturing Co., Pueblo, Colo., alleging that the product had been shipped (date not shown) from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Distributed by The Eloma Mfg. Co. Pure Apple Vinegar 48 Gals. Pueblo, Colo."

Adulteration of the product was charged in the libel for the reason that diluted acetic acid or distilled vinegar had been mixed with the product so as to reduce and lower its quality and strength, and for the reason that such diluted acetic acid or distilled vinegar had been substituted in part for the product. Misbranding was alleged for the reason that the words "Pure Apple Vinegar" were misleading and deceptive and intended to mislead and deceive purchasers into believing that the product was pure apple vinegar, whereas in truth and in fact it was not pure apple vinegar but in part a diluted solution of acetic acid or distilled vinegar. Misbranding was further alleged for the reason that the product was branded for sale under the descriptive name of pure apple vinegar, whereas in truth and in fact it was not pure apple vinegar but instead a substitute consisting in part of diluted acetic acid or distilled vinegar.

Thereafter, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal after relabeling the product.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 14, 1912.

50672°—No. 1590—12

