

Issued September 10, 1912.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1618.

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

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#### ALLEGED ADULTERATION AND MISBRANDING OF VINEGAR.

On July 25, 1911, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district a libel for the seizure and condemnation of 90 barrels of vinegar remaining unsold in the original unbroken packages and in possession of the Holbrook Marshall Grocery Co., a corporation, Nashua, N. H., alleging that the product had been transported from the State of New York into the State of New Hampshire, date of shipment not shown, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Cider Vinegar, Extra Old Farm Orchard Brand."

Adulteration was alleged in the libel for the reason that the product was sold as pure cider vinegar, whereas it was in fact composed of dilute acetic acid or distilled vinegar together with a foreign substance high in reducing sugars mixed in imitation of vinegar. Misbranding was alleged for the reason that the contents of the barrels containing the product were not correctly stated on the outside thereof, to wit, the labels or markings of said barrels bore a statement regarding the ingredients or substances contained therein which was false and misleading in that said label or marking represented the product to be cider vinegar, when, in truth and in fact, it consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars and foreign mineral matter, prepared in imitation of cider vinegar.

On August 28, 1911, Place Bros., claimants, Oswego, N. Y., filed their answer to the libel denying that the product was adulterated

or misbranded within the meaning of the Food and Drugs Act, and further denying each and every allegation in said libel. On March 26, 1912, said claimants having withdrawn their answer and consented to a decree, the court found the product to have been misbranded and judgment of condemnation and forfeiture was entered. It was further ordered that, upon payment of all costs by said claimants and the execution and delivery of bond by them in conformity with section 10 of the Act, fixed by the court at \$500, the 83 barrels of the product that had been seized should be released and delivered to said claimants.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 19, 1912.*

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