

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1831.

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

ADULTERATION AND MISBRANDING OF VINEGAR.

On November 24, 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 400 barrels of vinegar remaining unsold in the original unbroken packages and in possession of Barrett & Barrett, Inc., St. Paul, Minn., alleging that the product had been shipped by Spielmann Bros. Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota on the following dates: 200 barrels on September 30, 1911; 100 barrels on October 5, 1911; and 100 barrels on October 16, 1911. The libel further alleged that the product was adulterated and misbranded in violation of the Food and Drugs Act. The product was labeled: "Guaranteed Cider Vinegar—6 per centum—Spielmann Bros. Co. Mfrs.—5567, 5568, 5625, 5752." On other end of barrel: "B—St. Paul, Minn."

Adulteration was alleged in the libel for the reason that substances had been mixed with the product so as to reduce and lower its quality and strength, and that substances had been substituted in part for the vinegar, in that a dilute solution of acetic acid, or distilled vinegar, and a product high in reducing sugars, and foreign mineral matter, had been substituted and mixed with and in the vinegar. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar, and was labeled and branded so as to deceive and mislead the purchaser thereof, in that it was a product artificially prepared, mixed, and compounded so as to resemble and purport to be a genuine food article, to wit, cider vinegar, but added to and intermixed therein was a dilute solution of acetic acid, or distilled vinegar, and a product high in reducing sugars and foreign mineral matter. Misbranding was alleged for the further reason that the label attached to each and all of the barrels of the product

bore a statement and device regarding the product, to wit, the figure and words "6 per centum," which said statement and device was false and misleading, in that by said statement and device the vinegar was declared and purported to contain 6 per cent acid, whereas in truth and in fact it did not contain 6 per cent acid, but contained a quantity less than 6 per cent acid.

On June 13, 1912, said Spielmann Bros. Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon payment of the costs of the proceedings, amounting to \$63, and the execution of bond in the sum of \$400, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 21, 1912.*

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