

Issued February 8, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1905.

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

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about September 19, 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 50 barrels of vinegar remaining unsold in the original unbroken packages in the possession of the Minnesota Mercantile Co., Stillwater, Minn., alleging that the product had been shipped on September 2, 1911, by the Wm. Henning Co., Chicago, Ill., and transported from the State of Illinois into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "40 Grain Crescent Brand fermented sugar vinegar. Minnesota Mercantile Co., Stillwater, Minn., Distributors."

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

fermented sugar vinegar while, in truth and in fact, one of the ingredients of the product was distilled vinegar.

On July 8, 1912, judgment of condemnation and forfeiture was entered in the case and it was further ordered that the product should be released and delivered to the said Wm. Henning Co., claimant, upon payment of all the costs of the proceedings, amounting to \$7.90, and the execution of a bond in the sum of \$200, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 6, 1912.*

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