

article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, said article was not sweet oil but was another substance composed wholly or in part of cottonseed oil; and, further, in that said article was labeled and branded so as to mislead and deceive the purchaser, being labeled "Sweet Oil," a term which is synonymous with olive oil, whereas, in truth and in fact, said article was not sweet oil or olive oil, but was another substance, consisting wholly or in part of cottonseed oil.

On May 1, 1914, a plea of guilty was entered on behalf of the defendant firm and the court imposed a fine of \$20.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3446. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels and 6 Barrels of a Product Purporting to be Fermented Apple Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5424. I. S. Nos. 4103-h, 4105-h. S. No. 2007.)

On November 13, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 barrels and 6 barrels of a product purporting to be fermented apple vinegar, remaining unsold in the original unbroken packages at Madison, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 10 barrels were labeled: (On one end) "Ohio Cider Vinegar Co., Cincinnati—Fermented Apple Vinegar—Apple Product." (On other end) "October 1, 1913—Fermented Apple Juice From Apple Waste Compounded with Distilled Vinegar. Water added in Fermentation to Legal Standard. Elmer Scott, Madison, Ind." The six barrels were labeled: (On one end) "Fermented Apple Vinegar—Apple Product—Cincinnati." (On other end) "October 1, 1913—Fermented Apple Juice from Apple Waste compounded with Distilled Vinegar—Water added in Fermentation to Legal Standard—Manufactured by the Ohio Cider Vinegar Co., Cincinnati, O."

Adulteration of the product was alleged in the libels for the reason that the barrels contained a product purporting to be fermented apple vinegar, for which a distilled vinegar and [or] dilute acetic acid had been mixed and packed with said article purporting to be fermented apple vinegar, and to which article aforesaid water had been added and substituted for said fermented apple vinegar so as to reduce, lower, and injuriously affect its quality and strength. Misbranding of the product was alleged for the reason that the statements on the brands and labels on one head of each of the barrels as to the ingredients and substances contained in said product, purporting to be fermented apple vinegar, were false and misleading, in that, in truth and in fact, the said product purporting to be fermented apple vinegar was a mixture containing distilled vinegar, dilute acetic acid, and water, and the said statements contained on said brands and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On February 27, 1914, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be sold by the United States marshal, and that before making such sale he should remove and obliterate all marks, brands, and figures thereon indicating the substances contained in the kegs and barrels, and should rebrand the same by placing thereon: "Imitation Apple Vinegar. Diluted below Standard Strength."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*