

3950. Adulteration and misbranding of vinegar. U. S. v. 35 Barrels * * * of Vinegar.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5721. I. S.
No. 7420-h. S. No. C-32.)

On May 12, 1914, the United States attorney for the Southern District of Iowa, 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 35 barrels purporting and representing to contain apple vinegar, remaining unsold in the original unbroken packages at Marshalltown, Iowa, alleging that the product had been shipped and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Crystal Brand Apple Vinegar, reduced with water, Marshalltown, Iowa." (On other end) "Guaranteed by the Avis Cider & Vinegar Company, under the Food and Drugs Act, June 30, 1906, United States Serial No. 38632."

It was alleged in the libel that the article was misbranded by brands appearing thereon upon the outside of the original barrels in violation of the act of Congress above stated, for the reason that said barrels or any of them did not contain apple vinegar and [the contents] were not the product of apples as the label would indicate, but, in truth and in fact, [the barrels] contained wholly or in part a mixture of distilled vinegar or diluted acetic acid which had been added to and substituted in part for apple vinegar, in such a manner as to reduce and lower and injuriously affect its quality and strength, the same being prepared in imitation of vinegar, and the same had been packed in imitation of vinegar, rendering the same adulterated, in violation of section 7 of the Food and Drugs Act of June 30, 1906, and that within said mixture were certain substances substituted for cider-vinegar product whereby the same was misbranded in violation of section 8 of the said act; that the labeling of said barrels as containing pure apple vinegar was false and misleading, and was such as to mislead purchasers, and was such as to enable the offering of the contents for sale as being apple vinegar, when, in truth and in fact, the same was not such as was offered for sale, and was unlawful misbranding within the meaning of the statute aforesaid, and also an unlawful adulteration and mixture of said product.

On December 19, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 1, 1915.