

4227. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels and 5 Half-Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6515. I. S. Nos. 11988-k, 11989-k. S. No. C-208.)

On May 7, 1915, the United States attorney for the Eastern District of Louisiana, 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 7 barrels and 5 half-barrels of vinegar, remaining unsold in the original unbroken packages at New Orleans, La., alleging that 2 of the barrels had been shipped on January 29, 1915, and 5 of the barrels and the 5 half-barrels were shipped on March 18, 1915, by the Burgie Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Gold Dolar Brand Pure Apple Cider Vinegar Reduced to 4% acetic strength."

It was alleged in the libel that an examination of samples of the vinegar made by the Bureau of Chemistry of the Department of Agriculture showed that the contents of said barrels and half-barrels, marked, labeled, and branded as aforesaid, was not pure apple cider vinegar, but that the same was a product prepared from apple waste and distilled vinegar which had been so mixed as to reduce, lower, and injuriously affect the quality and strength of said vinegar, and that said distilled vinegar and dilute solution of acetic acid had been wholly or in part substituted for said article of vinegar, and that said product was adulterated within the meaning of section 7 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions thereof.

It was further alleged that the aforesaid article contained in said 7 barrels and said 5 half-barrels, marked, branded, and labeled as aforesaid, was an imitation of pure apple cider vinegar, and that said article had been shipped from Memphis, in the State of Tennessee, to New Orleans, in the State of Louisiana, for sale under the distinctive name of pure apple cider vinegar, when, in truth and in fact, the same was a dilute solution of acetic acid and distilled vinegar, and that the said 7 barrels and said 5 half-barrels and the contents thereof had been labeled, marked, and branded so as to deceive and mislead the purchaser thereof, and that said article, marked, branded, and labeled as aforesaid, was misbranded within the meaning of section 8 of the Food and Drugs Act, approved June 30, 1906, and in violation of the provisions of said act.

On June 16, 1915, the said Burgie Vinegar Co., Memphis, Tenn., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, and upon the branding by said claimant of the product as "Imitation Vinegar."

(The report of this department, upon which the proceedings in this case were based, stated that the product was prepared from apple waste and distilled vinegar or a dilute solution of acetic acid.)

C. F. MARVIN, *Acting Secretary of Agriculture.*