

**4420. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 15 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6275. I. S. No. 12581-k. S. No. C-155.)**

On February 9, 1915, the United States attorney for the Middle District of Tennessee, 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 15 barrels of vinegar, remaining unsold in the original unbroken package at Nashville, Tenn., alleging that the article had been shipped, on or about December 2, 1914, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: (On one end) "Old Kentucky Cider Vinegar Works Simon Brand Fermented Apple Vinegar diluted to 4 per cent acid strength, Covington, Ky." (On other end) "49 gallons guaranteed under the Food and Drugs Act June 30, 1906, Serial No. 45549."

Adulteration of the article was alleged in the libel for the reason that dilute acetic acid had been mixed and packed therewith so as to reduce, or lower, or injuriously affect its quality or strength, and, further, that dilute acetic acid had been substituted, wholly or in part, for the article.

Misbranding was alleged for the reason that the article was labeled "Old Kentucky Cider Vinegar Works Simon Brand Fermented Apple Vinegar diluted to 4 per cent acid strength, Covington, Ky.," when, in fact, it was an imitation of, and offered for sale under the distinctive name of, another article, and, further, for the reason that it was labeled or branded so as to deceive or mislead the purchaser.

On February 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal should change the labeling on the barrels so as to show that the article was imitation apple vinegar diluted with acetic acid, and of less than 4 per cent acetic acid strength, and thereupon advertise and sell the same in accordance with the code of Tennessee.

CARL VROOMAN, *Acting Secretary of Agriculture.*