

4463. Adulteration and misbranding of vinegar. U. S. * * * v. 35 Cases * * * and 19 Dozen Bottles of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 6502. I. S. Nos. 13839-k, 13840-k. S. No. C-206.)

On May 6, 1915, the United States attorney for the Eastern District of Arkansas, 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 19 dozen bottles of vinegar and 35 casks, each containing 6 dozen bottles, of vinegar, remaining unsold in the original unbroken packages at Blytheville, Ark., alleging that the article had been shipped and transported from the State of Tennessee into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 19 dozen bottles were labeled: "Excello Brand Apple Cider Vinegar Reduced to 4 per cent acid strength. Contents One Gallon." The casks and bottles therein were labeled: "Excello Brand Cider Vinegar Reduced to 4 per cent acid strength. Contents four-fifths of Quart."

It was alleged in the libel that the article was not apple cider vinegar but consisted wholly or in part of distilled vinegar or of dilute acetic acid which had been substituted for and mixed with said apple vinegar so as to reduce and lower and injuriously affect its quality and strength, whereby it was adulterated and misbranded.

It was further alleged that the labeling upon the casks and bottles of vinegar was a misnomer and untrue and that said labeling was false and misleading and as such was a violation of the Food and Drugs Act.

On November 22, 1915, the Dawson Bros. Mfg. 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 proceeding and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

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