

4467. Adulteration and misbranding of vinegar. U. S. * * * v. 19 Cases * * * and 4 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6520. I. S. Nos. 11992-k, 11993-k. S. No. C-217.)

On May 8, 1915, the United States attorney for the Western 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 19 cases, each containing 2 dozen bottles, of vinegar, and 4 barrels of vinegar, remaining unsold in the original and unbroken packages at Lake Charles, La., alleging that the article had been shipped, on or about February 26, 1915, by Dawson Bros. Mfg. 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 cases were labeled: "2 Doz. 32 Oz. Apple Cider Vinegar." The bottles were labeled: "Aged in Wood Sterilized and Filtered Dawson Brand Pure Apple Cider Vinegar Contents 30 fluid ozs or more Quality Guaranteed Contents guaranteed if this label is unbroken Quality Guaranteed." The barrels were labeled: "Southern Beauty Brand Pure Apple Vinegar, Reduced to 4% Acetic Strength." Adulteration of the article was alleged in the libel for the reason that it was not pure apple cider vinegar or apple cider vinegar but [that] colored distilled vinegar or a dilute solution of acetic acid had been substituted wholly or in part for said article and there had been mixed with said article [a] substitute, to wit, acetic acid, which had reduced, lowered, and injuriously affected its quality and strength, and said vinegar had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the article was labeled, as set forth above, whereas, in truth and in fact, is was not pure apple cider vinegar nor apple cider vinegar as indicated by said labels, but was an imitation of, and was offered for sale under the distinctive name of, another article and was labeled and branded so as to deceive or mislead the purchaser thereof because the so-called vinegar contained colored distilled vinegar or a dilute solution of acetic acid which had been substituted, wholly or in part, for the said article.

On December 20, 1915, the said Dawson Bros. Mfg. Co., 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 \$500, in conformity with section 10 of the act.

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