

**4743. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 5 Barrels of Vinegar \* \* \*. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 7235. I. S. No. 12422-I. S. No. C-454.)**

On February 29, 1916, the United States attorney for the Eastern District of Wisconsin, 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 5 barrels, more or less, each containing approximately 50 gallons, of a product purporting to be cider vinegar, remaining unsold in the original unbroken packages at Delavan, Wis., alleging that the article had been shipped, on or about October 28, 1915, by Barrett & Barrett, Chicago, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Barrett & Barrett Chicago Cider Vinegar always good reduced to 4½% Acetic Strength Lot 153 C."

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

Misbranding was alleged for the reason that the label upon the barrels bore the statement regarding the article that the same was cider vinegar, which statement was false and misleading in that the article was not cider vinegar, but was, in truth and in fact, a mixture in which distilled vinegar or dilute acetic acid was mixed and packed with cider vinegar, and for the further reason that the article was an imitation of cider vinegar, and was offered for sale under the distinctive name of cider vinegar, but, in truth and in fact, was not cider vinegar, but a mixture in which distilled vinegar or dilute acetic acid had been mixed and packed with cider vinegar. Misbranding was alleged for the further reason that the label bore the statement regarding the article that the same was cider vinegar in such form and display on said label as to give the impression that it was pure cider vinegar reduced to 4½ per cent acetic acid strength, whereas, in truth and in fact, it was not pure cider vinegar, but was a mixture in which distilled vinegar or dilute acetic acid had been mixed and packed with cider vinegar, and such statements on the labels were false and misleading, and said food product was, on account thereof, so labeled and branded as to deceive and mislead the purchaser thereof.

On April 29, 1916, 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 sold by the United States marshal or destroyed.

CARL VROOMAN, *Acting Secretary of Agriculture.*