

5263. Adulteration and misbranding of vinegar. U. S. * * * v. 50 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 7680. I. S. No. 1902-m. S No. E-685.)

On August 30, 1916, the United States attorney for the Southern District of Georgia, 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 50 barrels of vinegar, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped on or about August 15, 1916, by the Brocton Fruit Products Co., Brocton, N. Y., and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brocton Fruit Products Co. * * * Apple Cider Vinegar 60 gr. Brocton, N. Y."

Adulteration of the article was alleged in the libel for the reason that the contents of said 50 barrels was not apple cider vinegar, but contained added distilled vinegar, dilute acetic acid, and mineral matter, which had been substituted in part for said article, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

It was further alleged that the labeling and branding of the article was false and misleading and that the article was labeled and branded so as to deceive and mislead purchasers thereof, the contents of said barrels not being "Apple Cider Vinegar," as the same were labeled and branded. Misbranding was alleged for the further reason that said article was an imitation of and offered for sale as apple cider vinegar, whereas, in truth and in fact, it was not.

On September 21, 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 labeled so as to show its true contents, and be sold by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*