

5687. Adulteration and misbranding of vinegar. U. S. * * * v. 20 Barrels and 10 Half-barrels of * * * Vinegar. Default decree of condemnation, forfeiture, and destruction. (E. & D. No. 7725. I. S. Nos. 11946-m, 11947-m. S. No. C-566.)

On September 30, 1916, the United States attorney for the Northern District of Mississippi, 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 20 barrels and 10 half-barrels of vinegar, remaining unsold in the original unbroken packages at Corinth, Miss., alleging that the article had been shipped on July 19, 1916, by the Wallace-McLean Vinegar Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "New York Belle Brand Pure Apple Cider Vinegar reduced to 4% acetic strength."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for apple cider vinegar which the label on the article claimed it to be; and further in that the article was colored artificially in a manner whereby inferiority was concealed.

It was alleged that the containers of the article were misbranded in that, instead of containing the product as labeled, they contained a product consisting in part of distilled vinegar or dilute acetic acid, and further that the article was artificially colored in imitation of pure apple cider vinegar.

It was further alleged, in substance, that, instead of the containers having labels and tags showing the true composition of the article, such labels and tags were false and misleading, and deceiving and misleading to the purchaser, and that the product was misbranded in that it was in fact an imitation of, and offered for sale under the distinctive name of, another article.

On April 3, 1917, 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 destroyed by the United States marshal, and that the empty barrels should be sold at public auction and the proceeds of the sale applied to the payment of the costs of the proceedings.

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