

5841. Adulteration and misbranding of vinegar. U. S. * * * v. 70 Barrels * * * of * * * Vinegar. Decree of condemnation. Product ordered released on bond. (F. & D. No. 8376. I. S. No. 12188-m. S. No. C-717.)

On July 28, 1917, the United States attorney for the District of Indiana, 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 70 barrels of a product purporting to be pure apple vinegar, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the article had been received on or about May 15, 1917, having been shipped by the Banner Vinegar Co., Cincinnati, Ohio, and transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Homade Brand Pure Apple Vinegar."

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

Misbranding of the article was alleged for the reason that it was an imitation of pure apple vinegar, and consisted in part of distilled vinegar, or a solution of dilute acetic acid, which had been substituted in part for pure apple vinegar, and was offered for sale under the distinctive name of pure apple vinegar when, in fact, it was not, and for the further reason that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple vinegar when, in fact, it was not.

On October 6, 1917, the said Banner Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the claimant having paid the costs of the proceedings and executed bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the product should be released to the said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*