

Issued February 23, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 168, FOOD AND DRUGS ACT.

MISBRANDING AND ADULTERATION OF VINEGAR.

In accordance with the provisions of Section 4 of the Food and Drugs Act of June 30, 1906, and of Regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 29th day of October, 1909, in the District Court of the United States for the Northern District of Illinois, judgment was entered in the below entitled cause, wherein a libel was filed under Section 10 of the aforesaid act, alleging in substance that 24 barrels of vinegar labeled and branded: "The Leroux Cider & Vinegar Co., Toledo, Ohio—Our Pride Brand Fermented Apple Pure Cider Vinegar," which had been shipped for sale from Toledo, Ohio, to Chicago, Illinois, were misbranded in that the label and brand upon the head of the aforesaid barrels bore a statement regarding the ingredients or substances contained in said article of food, to-wit: "Apple Pure Cider Vinegar," which statement was false and misleading in this, that it induced purchasers to believe that said article of food was a fermented pure apple cider vinegar, whereas, in truth and in fact, it was not such an article, but a mixture colored in imitation of fermented apple pure cider vinegar.

The libel further alleged that the said 24 barrels of vinegar were adulterated in that a dilute acetic acid and a foreign substance had been mixed and packed with it so as to reduce and injuriously affect its quality and strength; that coloring matter had been mixed with it by which its inferiority was concealed; that a foreign material, high in reducing sugars, had been substituted wholly or in part for the article.

The libel prayed process against all claimants to the said 24 barrels of vinegar, and seizure and condemnation of same. The Leroux Cider & Vinegar Co. of Toledo, Ohio, appeared as claimant and filed

answer to the libel, admitting the misbranding and adulteration therein alleged, whereupon the court found for the libellant and entered the decree in substance and in form as follows:

UNITED STATES OF AMERICA, NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.
IN THE DISTRICT COURT THEREOF. JULY TERM, A. D. 1909.

UNITED STATES OF AMERICA }
vs. }
TWENTY-FOUR BARRELS OF VINEGAR. }

DECREE.

This cause coming on by motion of Edwin W. Sims, United States Attorney for the Northern District of Illinois, for entry of judgment, this court finds that it has jurisdiction in this case and of the respective parties thereto, and being fully advised in the premises, further finds:

1. That on the twenty-ninth day of June, in the year of our Lord nineteen hundred and nine, the United States of America, by Edwin W. Sims, its attorney, filed an information in the nature of libel in this court against twenty-four barrels of vinegar, and that forthwith a monition was issued to the United States Marshal for the Northern District of Illinois, under which monition the said twenty-four barrels of vinegar were seized in their original packages while in the possession of S. Peterson and Company, at their place of business at 124 West Randolph Street, Chicago, in the division and district aforesaid, and by virtue of the said monition and seizure the said twenty-four barrels of vinegar are now in possession of the United States Marshal at Chicago, in the division and district aforesaid.

2. That the claimant, to wit, The Leroux Cider and Vinegar Company of Toledo, Ohio, has admitted in its answer to the information and libel aforesaid that it is the owner of the goods so seized, as aforesaid; that the said goods so seized were shipped from Toledo, in the state of Ohio, to Chicago, in the state of Illinois, on the nineteenth day of May in the year of our Lord nineteen hundred and nine, and that the said twenty-four barrels of vinegar composing the shipment aforesaid, were in the possession of S. Peterson and Company, at their place of business at 124 West Randolph Street, Chicago, in the division and district aforesaid, at the time of the said seizure.

3. That the claimant and owner of the twenty-four barrels of vinegar seized in the manner and form aforesaid, have admitted in their answer to the information and libel against the said twenty-four barrels of vinegar, that the twenty-four barrels filled with an article of food called "Our Pride Brand Fermented Apple Pure Cider Vinegar", composing the shipment aforesaid were misbranded and adulterated in manner and form as alleged in the said information.

It is therefore ordered, adjudged and decreed that the said twenty-four barrels of vinegar composing the interstate shipment aforesaid, are misbranded and adulterated within the terms of Section eight and Section seven of the Food and Drugs Act of the United States enacted by the Congress of the said United States June 30, 1906, and the same are hereby declared to be forfeited and confiscated to the United States.

It is further ordered, adjudged and decreed, in lieu of the sale of the said property above described, as provided by Section ten of the Food and Drugs Act of the United States, aforesaid, that upon the payment of all the costs of this libel proceeding and the execution and delivery within thirty days from date hereof of a good and sufficient bond by the claimant, and surety to be approved by this court, or in the absence of the court, by the clerk thereof, in the sum of one thousand dollars, conditioned that said claimant, its successors or assigns shall not dispose of the said twenty-four barrels of vinegar composing the shipment aforesaid in violation of the

Act of Congress enacted June 30, 1906, known as the Food and Drugs Act of the United States, or against the laws of any state, territory, or insular possession of the said United States, the said twenty-four barrels of vinegar now in the possession of the United States be surrendered to the claimant.

The facts which led to the filing of the libel were as follows:

An inspector of the United States Department of Agriculture found in the possession of S. Peterson & Co., at No. 124 West Randolph Street, Chicago, Ill., 24 barrels of vinegar labeled as above described, which had been shipped to said company on or about May 19, 1909, by the Leroux Cider & Vinegar Co., from Toledo, Ohio. A sample taken from the above consignment was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to consist of a foreign substance high in reducing sugars and a dilute solution of acetic acid, colored in imitation of cider vinegar.

In the opinion of the Department of Agriculture cider vinegar is a product made by the alcoholic and subsequent acetous fermentations of the juice of apples.

The above analysis disclosed the adulteration and misbranding of the vinegar. Thereupon the Secretary of Agriculture reported the facts to the United States Attorney for the Northern District of Illinois, who filed the above libel, with the results hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*

