

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 318, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF CIDER VINEGAR.

Between January 1, 1908 and August 24, 1908, Barrett & Barrett, a corporation, of Chicago, Ill., sold and delivered to Franklin McVeagh & Company, another corporation of Chicago, Ill., a quantity of a product labeled "Charm Brand 40 Grain Cider Vinegar, Distributed by Franklin McVeagh & Company, Chicago, Illinois," and at the time of making said sale furnished said Franklin McVeagh & Company a written guaranty, signed by Barrett & Barrett, through its secretary, W. J. Windsor, to the effect that the said vinegar was not misbranded within the meaning of the Food and Drugs Act of June 30, 1906. On August 24, 1908, the said Franklin McVeagh & Company shipped the said vinegar from the State of Illinois to the State of Oklahoma. A sample of this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded opportunities for hearings to the party from whom the sample was procured, to the shipper, and to Barrett & Barrett, the guarantor of the said product. As it appeared after hearings held that there had been a violation of the act on the part of the above-named guarantor, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution. In due course, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Barrett & Barrett, alleging that the product was adulterated in that there had been mixed and packed with it, so as to reduce, lower and injuriously affect its quality or strength, a foreign material high in reducing sugars and dilute acetic acid, and that the product had been artificially colored in a manner to conceal its inferiority, and was misbranded in that it was labeled "Charm Brand 40 Grain Cider Vinegar," which statement was false, misleading, and deceptive, and tended to deceive and mislead the purchasers

into believing that the product was a cider vinegar whereas in fact it was not a cider vinegar, but a mixture of a foreign material high in reducing sugars, dilute acetic acid, and cider vinegar, and was artificially colored in imitation of cider vinegar, and charging that the said defendants at the time of making the sale and delivery of the said product to the purchasers thereof knew that the article was adulterated and misbranded, and that the article was intended to be sold in interstate traffic, and was likely to be sold in interstate traffic. That by reason of the guaranty given by the said defendant it was amenable to the prosecution, fines, and other penalties which would attach, because of the said unlawful interstate shipment. On December 31, 1909, the defendant entered a plea of guilty, and on January 31, 1910, the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 26, 1910.*