

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 720, FOOD AND DRUGS ACT.

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### MISBRANDING OF VINEGAR.

On or about January 8, 1909, the Harbauer Marleau Company, Toledo, Ohio, shipped from the State of Ohio to the State of West Virginia 80 barrels of a liquid, each of which barrels was labeled "Rustic Club Pure Cider Vinegar, made for Charles Speidel Grocery Company, Wheeling, W. Va., Urichsville, Ohio." Analyses of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed that it was not genuine cider vinegar but imitation cider vinegar prepared from unfermented apple juice and acetic acid with some vinegar. 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, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for the said district charging the above shipment and alleging that the product so shipped was misbranded in that the said barrels did not contain pure cider vinegar which they purported to contain, but contained a mixture or compound prepared from unfermented apple juice and acetic acid, showing some vinegar, the label on said barrels being such as to deceive and mislead the purchaser, and such as to offer the contents for sale under the distinctive name of another article, and praying seizure, condemnation, and forfeiture of the product. Thereupon said Harbauer Marleau Company entered its appearance and filed a claim to the above product.

On September 21, 1909, the cause came on for hearing, and the court being fully informed in the premises issued its decree, finding the said 80 barrels of vinegar to be misbranded, and ordering that the same should not be sold or otherwise disposed of contrary to the provisions of the above act or the laws of any State or Territory or insular possession; and as it appeared that the costs of the above libel proceedings had been paid and a good and sufficient bond executed and delivered to the marshal of said district conditioned that said 80 barrels of vinegar should not be sold or otherwise dis-

posed of contrary to law, it was further ordered that said marshal should deliver the 80 barrels of vinegar in question to said Harbauer Marleau Company to be disposed of in accordance with the provisions of the said act.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 13, 1910.*

