

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 910, FOOD AND DRUGS ACT.

MISBRANDING AND ALLEGED ADULTERATION OF VINEGAR.

On or about September 21, 1910, the Spielmann Brothers Company, Chicago, Ill., shipped from the State of Illinois into the State of Indiana a quantity of a food product labeled "Guaranteed Cider Vinegar, 6 per centum—Spielmann Brothers Company, Mfgs." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and it was found to consist in part of distilled vinegar, or a dilute solution of acetic acid, and a material high in reducing sugars, prepared in imitation of cider vinegar. As the findings of the analyst and report thereon indicated that the product was adulterated and 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 District of Indiana.

In due course a libel was filed in the District Court of the United States of said district against the 22 barrels of the product so shipped, which were all that the marshal was able to seize on the motion issued by said court, charging the above shipment, and alleging the product so shipped to be adulterated in that a dilute solution of acetic acid and a product high in reducing sugars had been mixed and packed therewith so as to injuriously affect its quality and alleging the product to be misbranded because it was labeled as above set forth, when in truth and in fact the product was not a cider vinegar, as alleged in said labels, but an imitation of cider vinegar, said labels being therefore such as to mislead and deceive the purchaser, and praying seizure, condemnation, and forfeiture of the product.

On December 27, 1910, the cause came on for hearing and there being no appearance on the part of any claimant to the product, and no answer to the above libel having been filed, the court being fully informed in the premises, issued its decree, finding the 22 barrels in question to be misbranded for the reason that the product was not

cider vinegar, but an imitation thereof, and ordering the sale of the product at public auction by the marshal of said district, and that from the proceeds of such sale the costs of such proceedings should be paid, and the residue, if any, covered into the Treasury of the United States, for the use and benefit of the said United States; and further ordering that the marshal, before making such sale, should obliterate all marks, brands, and labels as to the contents of said barrels which were in violation of the provisions of the act.

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., *May 24, 1911.*