

an article of food and an article which enters into the composition of food which was an imitation of cider vinegar and was offered for sale and was sold in interstate commerce as aforesaid under the distinctive name of "Guaranteed Cider Vinegar," whereas, in truth and in fact, said vinegar was not cider vinegar, but consisted largely of a mixture of dilute acetic acid or distilled vinegar. Misbranding was alleged for the further reason that said label or brand as aforesaid bore the statement that the product was guaranteed cider vinegar in such form and display as to give the impression that the contents were pure cider vinegar, when, in truth and in fact, an unlike substance, distilled vinegar, had been intermingled therewith and substituted wholly or in part for pure cider vinegar, and that all of such statements on said labels as aforesaid were false and misleading and calculated to deceive and mislead the purchasers thereof.

On February 27, 1914, the said Spielmann Bros. Co. having withdrawn their demurrer to the libel theretofore interposed and having consented to a decree, the court ordered and pronounced that all persons claiming any right, interest or title in and to said vinegar were in contumacy and default, and that the product should be condemned as misbranded. It was further ordered that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *October 14, 1914.*

3496. Adulteration and misbranding of cider vinegar. U. S. v. 19 Barrels and 30 Half-barrels of Sirup Vinegar; and U. S. v. 19 Barrels and 30 Half-barrels of Cider Vinegar. Product released on bond. Libel against sirup vinegar dismissed. (F. & D. No. 3143. I. S. Nos. 996-d, 997-d. S. No. 1146.)

On November 1, 1911, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 19 barrels and 30 half-barrels of sirup vinegar, and 19 barrels and 30 half-barrels of cider vinegar, remaining unsold in the original unbroken packages at Point Pleasant, W. Va., alleging that the product had been shipped from the State of Pennsylvania into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cider vinegar was labeled: "Price and Lucas—Pure Cider Vinegar Guaranteed—Alleghany, Pa."

Adulteration of this product was alleged in one of the libels for the reason that a dilute solution of acetic acid or distilled vinegar had been mixed therewith so as to reduce and lower and injuriously affect its strength, quality, and purity. Misbranding was alleged for the reason that none of the barrels or half-barrels contained "Price and Lucas—Pure Cider Vinegar" as they purported to contain, as evidenced by the markings on said barrels and half-barrels, but they contained a compound or mixture consisting wholly or in part of a dilute solution of acetic acid or distilled vinegar which had been mixed and prepared in imitation of cider vinegar and substituted therefor, and the labeling of said barrels and half-barrels as containing "Price and Lucas Pure Cider Vinegar" was misleading and false, so as to deceive and mislead the purchaser and was a misbranding within the meaning of said act.

On April 29, 1914, the case against the cider vinegar having come on for a hearing and the Price and Lucas Cider Vinegar Co., claimant, having tendered a bond in the sum of \$400, in conformity with section 10 of the act, it was ordered by the court that the product, after having been properly branded, should be released to said claimant company or to the party in whose possession the product was found, and that said claimant should pay the cost of the proceedings. Through a misunderstanding the case against the sirup vinegar was dismissed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *October 13, 1914.*