

**3993. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 25 Barrels and 5 Half-Barrels of Apple Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. Nos. 6304, 6305. I. S. Nos. 12586-k, 12587-k. S. No. C-161.)

On February 23, 1915, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of the 18 barrels and 5 one-half barrels of vinegar that was found, remaining unsold in the original unbroken packages, at Memphis, Tenn., alleging that the product had been shipped by the Wallace Vinegar Co., Paducah, Ky., and transported from the State of Kentucky into the State of Tennessee, the shipment having been delivered on or about January 24, 1915, and charging adulteration and misbranding in violation of the Food and Drugs Act. Nine of the barrels were labeled: "Brocton Fruit Products Co. Baldwin Brand Apple Vinegar. Reduced by Water to 4% Strength. 48 Gals. Distributors, Brocton, New York." Nine of the barrels and the 5 half-barrels were labeled: "48 Wagner Grocery Co. Brocton Brand Pure Apple Vinegar. Diluted to 4% Acid Strength. Distributors, Memphis, Tenn."

Adulteration of the product was alleged in the libel for the reason that a substance had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; and, further, in that a substance had been substituted wholly or in part for the article, viz, distilled vinegar or dilute acetic acid. Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article; and, further, in that it was labeled or branded so as to deceive or mislead the purchaser or purchasers thereof.

On May 19, 1915, the said Wallace Vinegar Co., Paducah, Ky., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*