

4181. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6323. I. S. No. 14511-k. S. No. C-175.)

On March 8, 1915, the United States attorney for the Southern District of Ohio, 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 5 barrels of vinegar, remaining unsold in the original unbroken packages at Xenia, Ohio, alleging that the product had been shipped and transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "B. T. Chandler & Son 40 Grain Cider Vinegar."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, a mixture of distilled vinegar and boiled cider or caramel, had been substituted for what the said article by its said label purported to be, to wit, cider vinegar.

Misbranding was alleged for the reason that the labels, marks, and brands aforesaid upon the barrels and packages of the article of food bore a statement, to wit, "40 Grain Cider Vinegar," regarding the article and the ingredients and substances contained therein, which said statement was false and misleading in that the article of food was not cider vinegar, but, in truth and in fact, was a mixture of distilled vinegar and boiled cider or caramel. Misbranding was alleged for the further reason that the article of food, being as aforesaid a mixture of distilled vinegar and boiled cider or caramel, and being labeled as aforesaid, was an imitation of, and offered for sale under the distinctive name of, another article of food, to wit, cider vinegar. Misbranding was alleged for the further reason that the article of food was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the same was cider vinegar, whereas, in truth and in fact, it was not cider vinegar, but was a mixture of distilled vinegar and boiled cider or caramel.

On April 6, 1915, no claimant having appeared for the property, it was ordered by the court that the libel be taken pro confesso. On May 8, 1915, the case having come on for final hearing, and no claimant having yet appeared, judgment of condemnation and forfeiture was entered, and it appearing to the court that the labels and brands upon the barrels of vinegar might be altered so as to describe truthfully and correctly the contents thereof, it was ordered by the court that the product should be sold by the United States marshal after having been relabeled under the supervision of a United States food and drugs inspector.

CARL VROOMAN, *Acting Secretary of Agriculture.*