

**4229. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 8 Crates \* \* \* and 20 Casks of Apple Cider Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.**  
(F. & D. No. 6517. I. S. Nos. 12765-k, 12766-k. S. No. C-211.)

On May 10, 1915, the United States attorney for the Eastern District of Oklahoma, 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 8 crates, each containing 6 one-gallon jugs, and 20 casks, each containing 6 dozen bottles of vinegar, remaining unsold in the original unbroken packages at Tulsa, Okla., alleging that the product had been shipped, on or about January 28, 1915, and transported from the State of Tennessee into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. The jugs were labeled: "B. V. Brand Pure Apple Vinegar Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 128 Fluid Ounces. Burgie Vinegar Co. Memphis, Tennessee." The bottles were labeled: "B. V. Brand Pure Apple Cider Vinegar Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 25 Fluid Ounces or more. Burgie Vinegar Company, Memphis, Tennessee."

It was alleged in the libel that the article of food was misbranded in that the label on each and every retail package thereof and the label on each cask was false and misleading by reason of the following statements, "B. V. Brand Pure Apple Cider Vinegar [or 'Apple Vinegar' as the case might be] Reduced to 4% Acetic Strength Manufactured by the most improved methods expressly for fine table use, salads, etc. It will be found most excellent. Contents 128 [or '25' as the case might be] Fluid Ounces," when, in truth and in fact, said article of food, in said crates, casks, and retail packages contained, [was misbranded] in violation of the Food and Drugs Act; and that said statements, designs, devices, and labels of said crates, casks, and retail packages were false and misleading and deceptive and so [such] as to deceive and mislead the purchaser or purchasers thereof, in that said crates, casks, and retail packages did not contain pure apple cider vinegar, diluted to 4 per cent acetic acid strength as on said label and brand stated, but, in truth and in fact, contained a product prepared from apple waste and distilled vinegar, or a diluted solution of acetic acid [which] had been substituted wholly or in part for pure apple cider vinegar, and said goods or vinegar was therefore adulterated in violation of section 7, paragraph 2, of said act.

On June 14, 1915, the Burgie Vinegar Co., Memphis, Tenn., 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 \$350, in conformity with section 10 of the act.

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