

4466. Adulteration and misbranding of vinegar. U. S. v. 40 Barrels * * * of * * * Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6519. I. S. No. 14412-k. S. No. C-216.)

On May 7, 1915, the United States attorney for the District of Indiana, 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 40 barrels, more or less, of a product purporting to be pure apple vinegar, remaining unsold in the original and unbroken packages at Evansville, Ind., alleging that the article had been shipped by Dawson Bros. Mfg. Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Indiana, the shipment arriving on or about November 3, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled, in part: "Brite Marnin Brand Pure Apple Vinegar."

Adulteration of the article was alleged in the libel for the reason that it had mixed and packed with it distilled vinegar or a solution of dilute acetic acid, and further that said distilled vinegar or dilute acetic acid had been substituted, wholly or in part, for pure apple vinegar, so as to reduce, lower, and injuriously affect its quality.

Misbranding was alleged for the reason that the article was an imitation of pure apple vinegar and was a product consisting, in whole or in part, of distilled vinegar or a solution of dilute acetic acid which had been substituted, wholly or in part, for the product "Pure Apple Vinegar"; further, the article was offered for sale under the distinctive name of "Pure Apple Vinegar," when, in fact, it was not pure apple vinegar; and further, for the reason that the article was labeled and branded so as to deceive and mislead the purchaser thereof into believing that it was pure apple vinegar, when, in fact, it was not.

On October 23, 1915, the Dawson Bros. Mfg. Co., Memphis, Tenn., claimant, having admitted the allegations of the label and 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 in conformity with section 10 of the act, the claimant having paid the costs of the proceedings and tendered its bond in the sum of \$500, which bond was approved by the court.

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