

**5338. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 35 Barrels \* \* \* of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7813. I. S. No. 11440-m. S. No. C-581.)**

On October 31, 1916, the United States attorney for the Northern District of Illinois, 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 35 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on September 27, 1916, by the Allegan Cider & Vinegar Co., Allegan, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Pure Apple Vinegar Reduced to 45 gr."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article.

Misbranding was alleged for the reason that the statement appearing on the barrels, to wit, "Pure Apple Vinegar Reduced to 45 gr.," was false and misleading in that it represented to the purchaser that the article consisted of pure apple vinegar reduced in strength as aforesaid, whereas, in truth and in fact, a distilled vinegar, or dilute acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure apple vinegar reduced in strength as aforesaid, whereas, in truth and in fact, it was an imitation of pure apple vinegar and was offered for sale under the distinctive name of another article, to wit, pure apple vinegar.

On December 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

*R. A. PEARSON, Acting Secretary of Agriculture.*