

**5388. Misbranding and alleged adulteration of vinegar. U. S. \* \* \* v. 90 Barrels and 5 Half-barrels \* \* \* of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7913. I. S. No. 11345-m. S. No. C-600.)**

On December 11, 1916, 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 90 barrels and 5 halfbarrels of vinegar, consigned by the Security Trust Co., receiver for the Williams Brothers Co., Detroit, Mich., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of Michigan into the State of Ohio, the shipment having been received at Cincinnati on or about August 29, 1916, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "The Williams Brothers Company of Detroit Apple Cider vinegar reduced with water to Forty Grains."

Adulteration of the article was alleged in the libel for the reason that waste vinegar reduced with distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article in being, labeled, "Apple Cider Vinegar."

Misbranding was alleged for the reason that the label of the article bore a statement, to wit, "Apple Cider Vinegar," regarding the article and the ingredients and substances contained therein, which was false and misleading in that said article was not apple-cider vinegar; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said article was apple cider vinegar, when, in truth and in fact, it was not, but was a mixture of waste vinegar and distilled vinegar or dilute acetic acid; and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar.

On January 29, 1917, the said Security Trust Co., receiver of the Williams Brothers Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, the court finding the product misbranded, and it was ordered by the court that the product should be relabeled under the supervision of a representative of this department and released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*