

5720. Adulteration and misbranding of vinegar. U. S. * * * v. 50 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7938. I. S. Nos. 11249-m, 11250-m. S. No. C-615.)

On December 29, 1916, the United States attorney for the Western District of Wisconsin, 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 50 barrels of vinegar, remaining unsold in the original unbroken packages at Madison, Wis., alleging that the article had been shipped on or about August 30 and September 13, 1916, by the Robinson Cider and Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that distilled vinegar or diluted 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 wholly or in part for pure apple vinegar.

It was alleged in substance that the article was misbranded for the reason that it was labeled in part, to wit, "pure apple vinegar * * *. Guaranteed cider vinegar 4 per centum" (or "4½ per centum" on some of the barrels), whereas it was not pure apple vinegar or cider vinegar but vinegar which had been mixed and packed with distilled vinegar or diluted acetic acid, and the label and the statement regarding the article, contained therein, were false and misleading, and the article was labeled and branded as aforesaid, so as to deceive and mislead the purchaser; and for the further reason that the article was labeled as aforesaid, whereas it was not pure apple vinegar or cider vinegar but an imitation of pure apple vinegar or cider vinegar, to wit, vinegar which had been mixed and packed with distilled vinegar or diluted acetic acid, and it was offered for sale under the distinctive name of another article, to wit, pure apple vinegar, guaranteed cider vinegar.

On March 9, 1917, John Robinson, doing business as the Robinson Cider and Vinegar Co., claimant, Benton Harbor, Mich., having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to the said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the label on the product should be removed and that it should be relabeled as "Imitation Cider Vinegar."

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