

5833. Adulteration and misbranding of vinegar. U. S. * * * v. 50 Barrels * * * of * * * Apple Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 8348. I. S. No. 12711-m. S. No. C-710.)

On July 26, 1917, the United States attorney for the Eastern District of Kentucky, 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, each containing 50 gallons of apple vinegar, consigned on or about April 25, 1917, by the Banner Vinegar Co., Cincinnati, Ohio, remaining unsold in the original unbroken packages at Winchester, Ky., alleging that the article had been shipped and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Melrose Brand Pure Apple Vinegar."

Adulteration of the article was alleged in the libel for the reason that divers substances, to wit, distilled vinegar and added dilute acetic acid and divers other substances had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article was alleged in substance for the reason that the barrels bore statements, designs, and devices regarding the article which were false and misleading in that the barrels were so labeled, branded, and designed as to make it appear that the vinegar was a fermented apple vinegar, made from apple products, and for the further reason that the design, label, and stenciled brand were so made with the purpose and intent of deceiving and misleading the purchaser, and inducing in the purchaser the belief that the vinegar was a fermented apple vinegar made from apple products, whereas, in truth and in fact, it was not, but was a vinegar made from apple products, distilled vinegar, and added dilute acetic acid.

On August 7, 1917, the Mahan Grocery & Supply Co., Winchester, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should not be disposed of until the same had been properly labeled.

CARL VROOMAN, *Acting Secretary of Agriculture.*