

reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said product.

Misbranding was alleged in substance for the reason that the labels on the barrels containing the article bore certain statements regarding the said article which were false and misleading; that is to say, the said labels bore the following words, "Pure Cider Vinegar Made From Apples by F. E. Jewett & Co., Lowell, Mass. Acidity reduced to not less than 4% \* \* \*," which statements and words were intended to be of such a character as to induce the purchaser to believe that the said article was pure cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, pure cider vinegar.

On July 23 and August 16, 1921, respectively, F. E. Jewett & Co., Lowell, Mass., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$5,459.56, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10415. Adulteration and misbranding of vinegar. U. S. \* \* \* v. 2 Barrels, 1 Barrel, and 3 Barrels of Cider Vinegar \* \* \*. Consent decree of condemnation and forfeiture entered with respect to 1 barrel and product released under bond. Default decrees of condemnation, forfeiture, and destruction with respect to the remainder.** (F. & D. Nos. 13873, 13874, 13875. I. S. Nos. 6426-t, 6427-t, 6428-t. S. Nos. E-2876, E-2877, E-2878.)

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 barrels of vinegar, at Washington and Belvidere, N. J., respectively, alleging that the article had been shipped by the Kistler Vinegar Works, Stroudsburg, Pa., on or about September 9, 21, and 29, 1920, respectively, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "\* \* \* Pure Fermented Unitus Brand Apple Cider Vinegar \* \* \* Made by the Kistler Vinegar Works, Stroudsburg, Pa. \* \* \*"

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, apple waste vinegar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for pure fermented apple cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that certain statements labeled on the barrels containing the article, regarding the said article and the ingredients contained therein, to wit, "\* \* \* Pure Fermented Unitus Brand Apple Cider Vinegar \* \* \*," were false and misleading in that the said statements represented to the purchaser that the article was pure fermented 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 it was pure fermented apple cider vinegar, whereas, in truth and in fact, it was not pure fermented apple cider vinegar, but was a product composed of apple waste vinegar. Misbranding was alleged for the further reason that the article was a product composed of apple waste vinegar, prepared in imitation of, and offered for sale under the distinctive name of, another article, to wit, pure fermented apple cider vinegar.

On May 24, 1921, the Kistler Vinegar Works, Stroudsburg, Pa., having entered an appearance as claimant for 1 barrel of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said barrel of the product be released to the said claimant upon 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 it be rebranded and properly marked. On February 9, 1922, no claimant having appeared for the remaining 5 barrels of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*