

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2611.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 4 Barrels of Vinegar. Decree of condemnation by default. Goods ordered sold.

ADULTERATION AND MISBRANDING OF VINEGAR.

On November 28, 1912, 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 4 barrels of vinegar remaining unsold in the original unbroken packages and in possession of H. W. Schlutker & Co., Covington, Ky., alleging that the product had been shipped by the Union Vinegar Co., Cincinnati, Ohio, 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 product was labeled: "Sugar Molasses Spirit Vinegar. Union Vinegar Co., Distributors Compound Sugar Vinegar 40 Grains, Cincinnati, Ohio."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a colored, distilled vinegar which had been mixed and packed with and substituted for vinegar in such quantities as were injurious and unfit for human use and consumption. Misbranding was alleged for the reason that the product was branded as set forth above, thereby purporting and representing that it was a sugar or molasses vinegar, when in truth and in fact it was not a sugar or molasses vinegar, and said brands so purporting and representing it were false and misleading in that the product consisted of a colored, distilled vinegar which had been mixed and packed with and substituted for sugar and molasses.

On March 20, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal after marking same "Imitation vinegar." The Department of Agriculture does not maintain that the distilled vinegar present in the article on which this case is based is injurious and unfit for human use and consumption.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., September 20, 1913.