

and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On containers) "Clover Valley Factory, Little Falls, Herkimer Co. N. Y. Yost Produce Co., Pittsburg." (On individual cheeses) "Light Skim." There was also on each container a penciled figure indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that the declaration of net weight of the containers was false and misleading, the actual net weight being less than the marked weight.

On October 9, 1913, the said Stacey Cheese Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3187. Adulteration and misbranding of vinegar. U. S. v. 5 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5342. S. No. 1949.)

On October 2, 1913, 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 5 barrels of vinegar, remaining unsold in the original unbroken packages and in possession of H. W. Schleutker & Co., Covington, Ky., alleging that the product had been shipped by the Ohio Cider 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 barrels were branded: (On one head) "The Ohio Cider Vinegar Co., Cincinnati fermented apple vinegar—Apple Product." (On the other head) "Fermented Apple Juice from Apple Waste—Compounded with distilled vinegar—Water added in fermentation to legal standard, Aug. 1, 1913."

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 quantity as was injurious and unfit for human use and consumption. Misbranding was alleged for the reason that the labels set forth above purported and represented that the vinegar was an apple vinegar, when, in truth and in fact, it was not apple vinegar, and said brands so purporting and representing the product were false and misleading, the same consisting of a colored distilled vinegar which had been mixed and packed with and substituted for apple vinegar.

On December 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. When this case was reported for action, no claim was made that distilled vinegar was present in the product "in such quantity as was injurious and unfit for human use and consumption."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

3188. Misbranding of blackberry cordial. U. S. v. 5 10-Gallon Kegs and 1 5-Gallon Keg of Blackberry Cordial. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5343. S. No. 1950.)

On October 3, 1913, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court