

ant, and it was ordered by the court that the product should be destroyed by the United States marshal.

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

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

3192. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5347, 5348. S. No. 1955.)

On October 11, 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 15 barrels of vinegar remaining unsold in the original unbroken packages, 5 of the barrels being in possession of H. Schmidt & Sons, and 10 of the barrels in possession of H. W. Schleutker & Co., both of Covington, Ky., alleging that the product had been shipped on August 6 and September 24, 1913, 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. Five of the barrels were labeled: (On one head) "The Ohio Cider Vinegar Co., Cincinnati, Ohio, White Vinegar 40 gr." (On other end) "Reduced to legal standard with water July 1st., 1913, 45."

It was alleged in the libel that said brands were false and misleading, in that the food products contained in the barrels consisted in part of acetic acid which had been substituted in part for vinegar, and each of the barrels of vinegar was adulterated in violation of section 7 of the Food and Drugs Act, in that in said food products contained in the barrels purporting to be white vinegar acetic acid had been mixed and packed with and substituted for distilled vinegar in such a manner as to reduce, lower, and injuriously affect its quality and strength, and each and all of said barrels were misbranded and adulterated in violation of said Food and Drugs Act.

Five of the barrels were labeled: (On one end) "The Ohio Vinegar Co., Cincinnati, Ohio, White Vinegar 40 gr." (On other end) "Reduced to legal standard with water, 52 Aug. 1, 1913." Five of the barrels were labeled: (On one end) "The Ohio Cider Vinegar Company, Colored Vinegar 40 gr." (On the other end) "46 reduced to legal standard with water, Aug. 1, 1913."

It was alleged in the libel that said labels purported and represented that said vinegar was a white vinegar and colored vinegar, when, in truth and in fact, each of said barrels of vinegar consisted in part of acetic acid which had been substituted for vinegar and which had been mixed and packed with and substituted for white distilled vinegar and colored distilled vinegar, and thereby each of said barrels was misbranded in violation of the Food and Drugs Act of June 30, 1906. It was also alleged in the libel that the product consisted in part of acetic acid which had been substituted for and mixed with distilled vinegar and thereby lowered and injuriously affected its quality and strength; that said acetic acid, as so mixed and packed with said vinegar, had rendered the same injurious and unfit for human consumption, and said product contained in the barrels was adulterated thereby, in violation of the Food and Drugs Act of June 30, 1906.

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 the acetic acid in the product had "rendered the same injurious and unfit for human consumption."

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