

5080. Adulteration and misbranding of vinegar. U. S. * * * v. 52 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7286, 7287, I. S. No. 20658-1. S. No. W-89.)

On April 8, 1916, the United States attorney for the District of Colorado, 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 52 barrels of vinegar remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped, on or about March 20, 1916, and transported from the State of Kansas into the State of Colorado, and charging adulteration and misbranding, in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed therewith so as to reduce and lower its quality and strength, and for the further reason that water had been substituted in part for the said article of food.

Misbranding was alleged for the reason that the quantity and contents of the barrels was not plainly and conspicuously, or at all, marked on the outside of said barrels, or either [any] of them; and for the further reason that the brand and label marked on each of the barrels, respecting the quantity of the article contained therein, was false and misleading in that each of the barrels purported to contain the quantity in gallons of the article as stated and indicated by the brand and label thereon, while, in truth and in fact, each of the barrels contained a much less quantity of the vinegar than was stated and indicated by the brand and label thereon.

On August 4, 1916, the Otto Kuehne Preserving Co., Topeka, Kans., having filed its claim and stipulation admitting in effect the allegations in 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 company, good and sufficient bond having been filed, in conformity with section 10 of the act, the decree further providing that the article should be labeled, "Cider Vinegar, reduced with water to 4½% acid strength," that each barrel should be branded so as to indicate the true contents thereof in gallons, and that the claimant should pay all the costs of the proceedings.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*