

Issued February 24, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1953.

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

ADULTERATION AND MISBRANDING OF SO-CALLED VINEGAR.

On or about April 26, 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 71 barrels of so-called vinegar remaining unsold in the original unbroken packages and in possession of the Kelly Storage & Distributing Co. (Inc.), Lexington, Ky., alleging that the product had been shipped on February 21, 1911, by Spielmann Bros. Co. (Inc.), Chicago, Ill., and transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed Cider Vinegar 4 per centum Purity Vinegar Works. 9537. Purity Vinegar Works, Purity Co. Pure Cider Vinegar, Canastota, N. Y."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of another substance than cider vinegar. Misbranding was alleged for the reason that the labels and brands on the product bore a statement falsely indicating that the contents of each of the barrels was cider vinegar, when in truth and in fact it was not cider vinegar.

On July 26, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be sold by the United States marshal. On October 3, 1912, an amended judgment was entered, under the terms of which it was ordered that the product should be released to said Spielmann Bros. Co., claimant, upon payment of all costs of the action and the execution of bond in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1912.*