

3574. Adulteration and misbranding of vinegar. U. S. v. 23 Barrels * * * Apple Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5608. I. S. Nos. 5029-h, 5047-h. S. No. 2132.)

On March 4, 1914, the United States attorney for the District of Indiana, 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 23 barrels, more or less, of a product purporting to be apple vinegar, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the product had been transported from the State of Kentucky into the State of Indiana, the shipment arriving on or about December 4, 1913, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (One end of barrel) "Old Kentucky Cider Vinegar Works. O. K. Brand. Pure Apple Vinegar—Made by Fermentation. Covington, Ky." (Other end of barrel) "Reduced to 40 grains—Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 49547."

It was alleged in the libel that the product was less than 40 grains strength; that the purported vinegar therein was deficient in acetic acid and contained added water which had been mixed and packed with it in such a manner as to reduce the article below the declared acid strength; that water had been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality and strength of the product; that water had been substituted in part for the vinegar in said product in each of the barrels, and that the product was adulterated contrary to the laws of Congress in that behalf made and provided. It was further alleged in the libel that the statements, design, and device regarding the article and the ingredients and substances contained therein were false and misleading in that it was labeled and branded so as to deceive and mislead the purchaser and that the product contained in each of the barrels was misbranded contrary to the laws of Congress made and provided in that behalf.

On July 2, 1914, 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 sold by the United States marshal, after removing and obliterating all marks, brands, and figures thereon, indicating the substance contained in the barrels and rebranding the same.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 17, 1915.*