

**3836. Adulteration and misbranding of vinegar. U. S. * * * v. 16
Barrels of Vinegar. Consent decree of condemnation and for-
feiture. Product ordered released on bond. (F. & D. No. 6314.
I. S. No. 11647-k. S. No. C-170.)**

On February 26, 1915, the United States attorney for the Southern District of Ohio, 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 16 barrels of vinegar, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On head of barrel) "Pure Distilled White Vinegar—Newport Vinegar Co. Distributor, Newport, Ky." (On reverse head of barrel) "Star Brand—40 Grain." In addition, there was upon the reverse head of each of the barrels a statement of the contents of such barrels, which statements were respectively as follows, to wit: First barrel, "48 gals."; second barrel, "48 gals."; third barrel, "47 gals."; fourth barrel, "47 gals."; fifth barrel, "48 gals."; sixth barrel, "47 gals."; seventh barrel, "45 gals."; eighth barrel, "44 gals."; ninth barrel, "51 gals."; tenth barrel, "54 gals."; eleventh barrel, "48 gals."; twelfth barrel, "50 gals."; thirteenth barrel, "46 gals."; fourteenth barrel, "46 gals."; fifteenth barrel, "51 gals."; sixteenth barrel, "48 gals."

It was alleged in the libel that the article of food was adulterated in the following particulars, to wit: First, a certain substance, to wit, water, had been mixed and packed with said article of food so as to reduce and lower its quality and strength; second, that a certain substance, to wit, water, had been substituted in part for what said article of food by its label aforesaid purported to be, to wit, pure distilled white vinegar having a strength of 40 grain. It was further alleged that the article was misbranded in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser thereof, in that the aforesaid labels upon said barrels and packages of said article of food bore statements regarding said article and the ingredients and substances contained therein which were false and misleading in the following particulars: First, the statements "Pure Distilled White Vinegar—40 grain" were false, misleading, and deceptive in that they represented said article of food to be a vinegar of the standard strength of forty grain, whereas, in truth and in fact, said article of food was not of the quality or strength of forty grain but in fact had an average quality or strength of thirty-six and four-tenths grain; second, the statements of the measure of the contents of said barrels, as hereinbefore set forth, were false and misleading in that said barrels, and each of them (with the exception of Number 6), did not contain respectively the quantity of contents so stated upon their labels respectively, but in fact did contain lesser quantities, the quantities actually contained in each of said barrels being as follows, to wit: First barrel, 46 gallons; second barrel, 47 gallons; third barrel, 44 gallons; fourth barrel, 45 gallons; fifth barrel, 47 gallons; sixth barrel, 47 gallons; seventh barrel, 43 gallons; eighth barrel, 43 gallons; ninth barrel, 49.5 gallons; tenth barrel, 46 gallons; eleventh barrel, 45 gallons; twelfth barrel, 47 gallons; thirteenth barrel, 45.5 gallons; fourteenth barrel, 44 gallons; fifteenth barrel, 47.5 gallons; sixteenth barrel, 45.5 gallons.

On March 16, 1915, Robert F. Snow and George Snow, trading as the Newport Vinegar Company, Newport, Ky., filed their answer to the libel, and on March 18, 1915, the cause having come on to be heard on the motion of the United States for final judgment, and it appearing to the court that said claimants by their answer had admitted the facts set forth in the libel and

consented to a decree of condemnation, judgment of condemnation and forfeiture was entered, and, it further appearing to the court that the labels and brands upon the barrels might be altered and that said vinegar might be brought up to the required standard by the addition thereto of acetic acid so that said article might be sold lawfully and without violating any law of any State or of the United States, it was ordered by the court that said barrels should be relabeled and said vinegar standardized under the supervision of a United States food and drug inspector, and that said article should be released and restored to said claimants upon payment of all the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 11, 1915.*