

3706. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar, more or less. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 5884. I. S. Nos. 28106-h, 28132-h, 28134-h. S. No. C-79.)

On August 26, 1914, 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, more or less, of vinegar, remaining unsold in the original unbroken packages at Lexington, Ky., alleging that the product had been shipped on June 23 and July 29, 1914, 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. Ten of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure, fermented apple cider vinegar, Climax Brand, Lexington, Ky." (On other head) "Distributors, June, 1914, Reduced to legal standard with water, Curry, Brown & Snyder, Lexington, Ky."

It was alleged in the libel that the product contained in the said 10 barrels was misbranded in that said barrels were branded as aforesaid, and that said brands were false and misleading in that there had been mixed and packed with said food product another substance—to wit, water—whereby the quality and strength of the food product contained in the barrels was reduced, lowered, and injuriously affected, and that said water had been substituted in part for the vinegar, and each of said barrels of vinegar was adulterated in violation of section 7 of the Food and Drugs Act, in that said product purporting to be pure fermented apple cider vinegar of legal standard had had water mixed with and substituted for said vinegar in such a manner as to reduce, lower, and injuriously affect its quality and strength.

Three of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure apple cider vinegar, Climax Brand, Lexington, Ky." (On reverse end) "Fermented June, 1914, reduced to legal standard with water. Curry, Brown & Snyder, Lexington, Ky." Two of the barrels were labeled: (On one head) "Curry, Brown & Snyder, Incorporated, Pure fermented apple cider vinegar, Climax Brand, Lexington, Ky." (On reverse end) "June, 1914, reduced to legal standard with water, Curry, Brown & Snyder, Lexington, Ky."

It was alleged in the libel that said labels purported and represented that the product was pure fermented apple cider vinegar reduced to legal standard with water, when, in truth and in fact, each of said barrels of vinegar consisted in part of water which had been substituted and mixed with said vinegar so as to reduce and lower and injuriously affect its quality and strength, and that said water had been substituted for vinegar in each of said barrels and had been mixed and packed with a substitute [and substituted] for vinegar in such quantities as to reduce, lower, and injuriously affect the quality and strength of the vinegar contained in each of said barrels, thereby [misleading and] misbranding same, deceiving, and misleading the purchasers in violation of the Food and Drugs Act, June 30, 1906. It was further alleged that the product consisted in part of water which had been substituted for and mixed with the vinegar, and thereby reduced, lowered, and injuriously affected its quality and strength, and that said water as so mixed and packed with said vinegar rendered the vinegar adulterated in violation of the Food and Drugs Act.

On October 26, 1914, the Ohio Cider Vinegar Co., a corporation, Cincinnati, Ohio, claimant, having filed its answer, admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$400, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *March 26, 1915.*