

Cream Co. * * * Bluefield, West Virginia. (On tub) Vienna Ice Cream Co., Bluefield, W. Va. 612."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

140,000,000 organisms per cc, plain agar, after 3 days' incubation, at 25° C.

137,000,000 organisms per cc, litmus lactose agar, after 3 days' incubation, at 25° C.

100 per cent acid.

100,000 *B. coli* group per cc.

1,000,000 streptococci per cc.

Adulteration of the product was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 16, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3030. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Apple Cider Vinegar. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5002. S. No. 1669.)

On January 24, 1913, the United States attorney for the Northern District of Georgia, 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 10 barrels containing 447 gallons of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages and in possession of the Merchants Coffee Association, Atlanta, Ga., alleging that the product had been shipped on October 3, 1912, from the State of Kentucky into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "R. M. Hughes & Co., Pure Apple Cider Vinegar. Serial No. 26475. Louisville, Ky."

Adulteration of the product was alleged in the libel for the reason that it consisted largely of distilled vinegar or diluted acetic acid and distilled vinegar, or diluted acetic acid had been mixed and packed with apple cider vinegar, so as to reduce the quality of said vinegar, in violation of the first paragraph of section 7, in the case of food, of the Food and Drugs Act of June 30, 1906. Adulteration was alleged for the further reason that distilled vinegar or diluted acetic acid had been substituted in part for pure apple cider vinegar, in violation of the second section of paragraph 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the reason that the product was labeled and branded "Pure Apple Cider Vinegar," whereas, in truth and in fact, it was not pure apple cider vinegar, but was composed largely of distilled vinegar or diluted acetic acid, and was labeled so as to deceive and mislead the purchaser into the belief that the product was pure apple cider vinegar, in violation of the second paragraph of section 8, in the case of food, of the Food and Drugs Act of June 30, 1906. Misbranding was alleged for the further reason that the labels on the barrels containing it bore the statement "Pure Apple Cider Vinegar" regarding the product and substances contained therein, which said statement was false and misleading, in that the product was not pure apple cider vinegar, but consisted largely of distilled vinegar or dilute acetic acid.

On November 14, 1913, 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 being relabeled "Compound Distilled Vinegar and Apple Vinegar, Louisville, Ky."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

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