

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2258.

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

MISBRANDING OF MALT EXTRACT.

On February 14, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kansas City Breweries Co., a corporation, Kansas City, Mo., alleging shipment by said company, on or about February 7, 1910, from the State of Missouri into the State of Nebraska, of a quantity of so-called Bavarian malt extract which was misbranded. The product was labeled: "Bavarian Malt Extract. An unequalled health giving medical tonic. An excellent recuperant for weak physical energy, with the nourishing qualities of a pure extract of Malt & Hops. Prepared & Bottled under the supervision of the Government. None genuine without this signature. Ferd Heim Brewing Co." (Blown in bottle) "Imperial Brewing Co., Kansas City, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol (per cent by volume), 5.80; solids, 7.43 per cent; reducing sugar as maltose, 2.53 per cent; polarization direct (20° C.), +58.5° V.; polarization invert (20° C.), +57.8° V.; ash, 0.22 per cent. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, which said label was false and misleading in that it tended to deceive and mislead the purchaser into the belief that he was purchasing a product of foreign manufacture known as malt extract, whereas it was of domestic make and origin instead of a malt extract as stated on the label, and contained and consisted of a fermented malt beverage similar to beer, containing the substances

as shown by the chemical analysis above set forth. Misbranding was alleged for the further reason that the label on the product was false and misleading in that it tended to deceive and mislead the purchaser into the belief that he was purchasing a product known as malt extract, whereas, in truth and in fact, it was not a malt extract, but a fermented malt beverage similar to beer and containing the substances as shown by the chemical analysis above set forth.

On November 14, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$100 and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 27, 1913.*

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