the United States for said district a libel for the seizure and condemnation of 20 barrels of bottle beer, remaining unsold in the original unbroken packages and in possession of the Peter Buller Brewing Co., Salt Lake City, Utah, alleging that the product had been shipped on or about May 31, 1913, by the Ph. Zang Brewing Co., Denver, Colo., and transported from the State of Colorado into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Pilsener. Silver state cabinet Zang's tonic. Bass & Co's Ale & Stout The C A. Lammers Bottling Co. Denver, Colo. Exclusive bottlers for The Ph. Zang Brewing Co. 38145 Vienna Export Style Large size. International Union United Brewery Workmen. Union Bottled Beer, Ale and Porter, of America. Copyright & Trade Mark Registered." The bottles were labeled: "Vienna Style Export Beer. Brewed of choicest Bohemian Hops and Colorado Barley. Brewed by the Ph. Zang Brewing Co. Denver, Colo. Bottled expressly for table use by The C. A. Lammers Bottling Co."

Adulteration of the product was alleged in the libel for the reason that the beer was not brewed from the choicest Bohemian hops and Colorado barley, but some other cereal or cereal product had been substituted in part for malt, and barley other than that grown and produced in the State of Colorado had been used in its manufacture. Misbranding was alleged for the reason that the label set forth above contained statements regarding the ingredients and substances contained in the beer which were false and misleading.

On July 14, 1913, the Utah Brewing Co., claimant, having petitioned the court for a release of the product, it was ordered by the court that the product be delivered to said claimant, the costs of the proceeding having been paid by claimant, and a bond having been executed by it in the sum of $100, in conformity with section 10 of the act.

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

WASHINGTON, D. C., *May 21, 1914.*

3135. Adulteration and misbranding of beer. U. S. v. 10 Cases, More or Less, of Old Fashion Lager Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5268. S. No. 1850.)

On June 27, 1913, the United States Attorney for the Northern District of Illinois, 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 cases, each containing 3 dozen bottles of an article of food known as Old Fashion Lager Beer, remaining unsold in the original unbroken packages on the premises of Charles Randecker, Savanna, Ill., alleging that the product had been shipped on June 13, 1913, by the Cassville Brewery, Cassville, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Old Fashion Lager Beer Has Age, Strength and Purity. Brewed from the finest malt and hops. Cassville Brewery, Cassville, Wis., U. S. A. Guaranty legend Serial No. 38539."

Adulteration of the product was alleged in the libel for the reason that a certain cereal or cereal product had been mixed and packed with it so as to reduce and lower and injuriously affect the quality and strength of the article of food aforesaid, and for the further reason that a certain cereal or cereal product had been substituted wholly or in part for the article of food as aforesaid. Misbranding of the product was alleged for the reason that each of the bottles was labeled as set forth above, which said label, borne upon each of the bottles aforesaid, contained pictorial representations of malt and hops, as well as hop picking and other illustrations impossible here to reproduce, and

which said statement, contained in the label upon each of the bottles, deceived and misled the purchaser into the belief that the article of food aforesaid was brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted wholly or in part for the article of food aforesaid. Misbranding was alleged for the further reason that said statement contained in the label on each of the bottles and the pictorial representations aforesaid were false and misleading, in that said pictorial representations and said statements in the label represented to the purchaser that the article was an article of food known as Old Fashion Lager Beer, which had been brewed from the finest malt and hops, whereas, in truth and in fact, it was not brewed from malt and hops alone, but contained a certain cereal or cereal product which had been substituted in part for the article of food aforesaid.

On October 20, 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 destroyed by the United States marshal.

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

WASHINGTON, D. C., *May 21, 1914.*

3136. Adulteration and misbranding of West Baden Sprudel Water. U. S. v. 28 Cases of West Baden Sprudel Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5269. S. No. 1851.)

On June 28, 1913, 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 28 cases, each containing 24 bottles of so-called West Baden Sprudel Water, remaining unsold in the original unbroken packages and in the possession of Levi & Ottenheimer, Cincinnati, Ohio, alleging that the product had been shipped from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Ask your druggist for West Baden Sprudel Water—Twenty-four large—The World's Greatest Aperient—Price 35 cents. (Trade Mark) Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana.—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857; Levi & Ottenheimer, Cincinnati, Ohio.—From The West Baden Springs Co., West Baden, Indiana." (On neck of bottle) "Strictly fireproof, West Baden Springs Hotel, Open all the year. Eighth wonder of the world." (Principal bottle label consists of three panels) (First panel) "Analysis by the Columbus Laboratories of Chicago. 'Renders excellent service in all nutritional disturbances such as gout, rheumatism, uric acid, diabetes, obesity, etc., by its active influence on tissue metamorphoses, possessing ingredients essential to the process of osmosis, combustion, digestion, secretion and increasing oxidation and elimination.'" (Middle panel) "Ask your druggist for West Baden Sprudel Water, The World's Greatest Aperient. (Design—Trade Mark) Price 35 cents—Bottled at the springs only by The West Baden Springs Company, West Baden, Indiana—Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 9857." (Third panel) "West Baden Sprudel Water is a Sulphated, Saline Hydragogue cathartic. The chloride of sodium, causing an increase of flow of gastric juice, bile, pancreatic juice and intestinal fluid, promotes appetite and aids in the process of digestion. The sulphate of sodium and magnesium directly stimulate the action of the intestines thus promoting the easy and painless removal of waste products from the system; they thus become useful in catarrh of stomach, intestinal