

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1397.

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

MISBRANDING OF MALT EXTRACT.

On December 7, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Theodore Hamm Brewing Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about July 27, 1910, from the State of Minnesota into the State of Missouri of a quantity of malt extract which was misbranded. The product was labeled: "Digesto Malt Extract Alcohol 4 per cent. A highly concentrated fermented Malt Liquor, guaranteed to be absolutely pure and unadulterated. Made from only the very finest barley malt, imported hops and pure artesian water. * * *"

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Specific gravity 15.6° C./15.6° C., 1.0205; alcohol (per cent by volume), 5.50 (weight per cent 4.40): reducing sugar as maltose 2.01 per cent; protein (N × 6.25), 0.72. Extract (dried at 80° C.), 7.30 per cent; ash (mineral matter upon ignition), 0.242 per cent; total phosphoric acid in ash, 0.089 per cent. Misbranding was alleged for the reason that the label represented the product to be a highly concentrated malt liquor, which representation was misleading and deceptive in that the purchaser was led to believe that the article was a highly concentrated malt liquor when in fact it was not a concentrated malt liquor.

On December 11, 1911, the defendant pleaded guilty and was fined \$100 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1912.*

