

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1908.

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

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### MISBRANDING OF SO-CALLED DIGESTO MALT EXTRACT.

On January 6, 1912, the United States Attorney for the Northern District of California, 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 90 barrels, containing 12 ounce bottles of so-called Digesto Malt Extract remaining unsold in the original unbroken packages and in possession of the Langley & Michaels Co. (Inc.), San Francisco, Cal., alleging that the product had been shipped on or about October 1, 1911, from the State of Minnesota into the State of California, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On barrels) "Digesto Malt Extract. Alcohol 4%. A highly concentrated fermented malt liquor guaranteed absolutely pure and unadulterated. Made from only the very finest of barley malt, imported hops and pure artesian water. Made only by the Theo. Hamm Brewing Co., St. Paul, Minn., Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 9908." (On bottles) "Digesto Malt Extract. Alcohol 4%. A highly concentrated fermented malt liquor guaranteed absolutely pure and unadulterated. Made from only the very finest of barley malt, imported hops and pure artesian water. Made only by the Theo. Hamm Brewing Co., St. Paul, Minn. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 9908."

Misbranding was alleged in the libel for the reason that the product did not contain a highly concentrated fermented malt liquor, but, on the contrary, was a product identical with the beverage commonly known as beer, and that it contained 5 per cent of alcohol by volume instead of 4 per cent, as set forth on said label.

On April 4, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be sold by the United States marshal.

It afterwards appeared that the Theo. Hamm Brewing Co., St. Paul, Minn., executed bond in the sum of \$1,800 in conformity with section 10 of the Act and the product was released and delivered to said claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 8, 1912.*

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