

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 1923.

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

---

### ADULTERATION AND MISBRANDING OF SO-CALLED ATLAS CARBONATED SODA.

On May 14, 1912, the United States Attorney for the Western District of Pennsylvania, 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 two barrels, each containing 120 bottles of so-called Atlas Carbonated Soda, remaining unsold in the original unbroken packages and in possession of the Pennsylvania Railroad Co. at its freight house, Vandergrift, Pa., alleging that the product had been shipped on or about May 1, 1912, by the Wheeling Specialty Co., Wheeling, W. Va., and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "To E. M. Fulmer, Leechburg, Pa. From The Wheeling Specialty Co., Manufacturers and Jobbers Specialties Twentieth Street, Wheeling, W. Va. This bbl. contains 10 doz pints carbonated soda similar to Temperance Beer."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, beer, had been substituted wholly or in part for carbonated soda. Misbranding was alleged for the reason that the product was offered for sale under the distinctive name of carbonated soda, whereas in fact it was not carbonated soda, but beer.

On July 27, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

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

WASHINGTON, D. C., November 11, 1912.

