

**6155. Adulteration and misbranding of Liebig malt extract. U. S. \* \* \* v. Johann Hoff Co., a corporation. Plea of guilty. Fine, \$30. (F. & D. No. 7874. I. S. No. 2657-L.)**

On May 2, 1917, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Johann Hoff Co., a corporation, doing business at Newark, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 24, 1916, from the State of New Jersey into the State of New York, of a quantity of an article labeled in part, "Genuine Liebig Malt-Extract," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids at 100° C. (gram per 100 cc).....	7.32
Ash (gram per 100 cc).....	.185
Phosphoric acid (P <sub>2</sub> O <sub>5</sub> ) (grams per 100 cc).....	.042
Starch test for diastase: Negative.	
Guaiac test for diastase: Negative.	
Alcohol ( per cent by volume).....	3.00
Protein (N x 6.25) (gram per 100 cc).....	.57

The product has the consistency of a heavy beer with about 7 per cent of solid matter. The material which makes up the solid matter is not derived entirely from malt, but from a mixture of malt and a cereal or saccharine substitute.

Adulteration of the article was alleged in the information for the reason that a substance other than malt, to wit, a cereal product or a saccharine product, had been mixed and packed therewith, so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in whole or in part for malt extract, which the article purported to be. Adulteration of the article was alleged for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity, as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, in that it was composed of malt and a cereal product, or a saccharine product other than malt, whereas said Pharmacopœia provides that extract of malt should consist only of malt and water, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the article was alleged for the reason that the statements, to wit, "Malt Extract" and "Rich in Natural Diastase," borne on the label attached to the bottles, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure malt extract and that it was rich in natural diastase; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was pure malt extract and that it was rich in natural diastase, whereas, in truth and in fact, it was not pure malt extract and was not rich in natural diastase, but was a product other than pure malt extract rich in natural diastase, to wit, a product prepared in part from a cereal product other than malt, or a saccharine product which contained no diastase.

On February 4, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$30.

CARL VROOMAN,  
*Acting Secretary of Agriculture.*