

**3526. Adulteration and misbranding of so-called hop and malt extract. U. S. v. 10 Casks, More or Less, of So-called Hop and Malt Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5450. I. S. No. 4884-h. S. No. 2010.)**

On November 26, 1913, 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 10 casks, more or less, each containing 12 dozen bottles, purporting and represented to contain hop and malt extract, remaining unsold in the original unbroken packages, at Pittsburgh, Pa., alleging that the product had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The casks were labeled in part: "Glass—Handle with care—This case contains 144 small bottles malt." Each bottle was labeled: "Egyptian Brand Hop and Malt Extract—3.83 per cent alcohol—Guaranteed by the East St. Louis New Athens Brewing Co. under the Food and Drugs Act, June 30, 1906. Serial No. 11761, E. St. Louis New Athens Brewing Co., East St. Louis, Ill., New Athens, Ill., U. S. A. Trade Mark—Intended for Medicinal Purposes, Not as a beverage." In addition each bottle bore a label on the back giving directions for the use of the article.

Adulteration of the product was alleged in the libel for the reason that it purported to be hop and malt extract, when, in fact, its strength or quality had been reduced or lowered by the use of some cereal product other than malt. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, that is to say, it was branded and labeled as "Egyptian Brand Hop and Malt Extract," which indicated that it was composed of malt extract, a substance recognized by the United States Pharmacopœia, with other substances, when, as a matter of fact, it was not a malt extract, but was a fermented product, in the manufacture of which some cereal had been substituted for malt.

On June 15, 1914, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*