F. & D. No. 4414.
I. S. No. 19094-d.

Issued April 16, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2183.

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

MISBRANDING OF BEER.

On October 18, 1912, the United States Attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. E. Bachman, doing business under the name of the Wheeling Specialty Co., Wheeling, W. Va., alleging shipment by him, in violation of the Food and Drugs Act, in April, 1912, from the State of West Virginia into the State of Pennsylvania of a quantity of beer which was misbranded. The product was labeled: "Atlas Carbonated Soda A Compound of Healthful Cereals Great Flesh and Strength Builder Healthful Nutritious Absolutely Non-intoxicating Wheeling Specialty Company, Sole Distributors Wheeling, W. Va. * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, by volume, 4.05 per cent; methyl alcohol, none. Misbranding was alleged in the information for the reason that the label upon the product was calculated to mislead and deceive the purchaser into believing that said product was carbonated soda, absolutely non-intoxicating, whereas in truth and in fact it was not carbonated soda, absolutely non-intoxicating, as represented by said label, but was ordinary beer.

On October 19, 1912, the defendant entered a plea of guilty to the information and the court imposed a fine of $15 and costs. This case was reported for prosecution upon charges of adulteration and misbranding.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 7, 1913.*

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