

Dry Sparkling Wine" represented to the purchaser that the article of food aforesaid was genuine extra dry sparkling wine, whereas, in truth and in fact, each of the bottles did not contain genuine extra dry sparkling wine, but contained an artificially carbonated wine, not extra dry; and for the further reason that said statement appearing on the label on each of the bottles and cases misled and deceived the purchaser, in that the statement "Extra Dry Sparkling Wine" represented to the purchaser that the article of food aforesaid was genuine extra dry sparkling wine, whereas, in truth and in fact, each of the bottles aforesaid did not contain genuine extra dry sparkling wine, but contained an artificially carbonated wine, not extra dry.

On May 9, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3436. Adulteration and misbranding of beer. U. S. v. Obermeyer & Liebmann. Plea of guilty to counts 1, 2, and 3 of information. Fine, \$25. Counts 4 and 5 nolle prossed. (F. & D. No. 5173. I. S. No. 1154-e.)

On January 20, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in five counts against Obermeyer & Liebmann, a corporation, New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on October 14, 1912, from the State of New York into the State of Connecticut, of a quantity of beer which was adulterated and misbranded. The product was labeled "Pilsener Style Beer Registered Trade Mark Brewed from choice Malt and fine Hops By Obermeyer & Liebmann Bottled at the Brewery. New York City." (Neck label) "Obermeyer & Liebmann."

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

Alcohol (per cent by volume)-----	4.50
Extract (per cent)-----	5.62
Extract, original wort (per cent)-----	12.82
Degree fermentation-----	56.16
Volatile acid, as acetic (grams per 100 cc)-----	0.014
Total acid, as lactic (grams per 100 cc)-----	0.189
Maltose (per cent)-----	1.88
Dextrin (per cent)-----	2.69
Ash (per cent)-----	0.158
Protein (per cent)-----	0.352
P ₂ O ₅ (per cent)-----	0.043
Undetermined (per cent)-----	0.54
Polarization (°V.)-----	+41
Color (degrees, ¼-inch cell, Lovibond)-----	3

Adulteration of the product was alleged in the first count of the information for the reason that a beer made from barley malt, hops, and some other cereal or cereal product, had been substituted for a beer made exclusively from barley malt and hops which the article purported to be. Misbranding was alleged in the second count of the information for the reason that the statement "Brewed from choice Malt and fine Hops," borne on the label, was false and misleading in that it conveyed the impression that the product aforesaid had been brewed exclusively from barley malt and hops, whereas, in truth and in fact, the said

product had been brewed from barley malt, hops, and some other cereal or cereal product. Misbranding was alleged in the third count of the information for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Brewed from choice Malt and fine Hops," thereby creating the impression that the product had been brewed from barley malt and hops exclusively, whereas, in truth and in fact, said product was not brewed exclusively from barley malt and hops, but from barley malt, hops, and some other cereal or cereal product. Misbranding was alleged in the fourth count of the information for the reason that the statement "Pilsener Style Beer," borne on the label, was false and misleading, in that it conveyed the impression that the product was a beer of the style of that brewed in Pilsen, Bohemia, exclusively from barley malt and hops, whereas, in truth and in fact, it was not that style of beer, but a beer brewed from barley malt, hops, and some other cereal or cereal product. Misbranding was alleged in the fifth count of the information for the reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded "Pilsener Style Beer," thereby creating the impression that the product was a beer of the style of that brewed in Pilsen, Bohemia, exclusively from barley malt and hops, whereas, in truth and in fact, it was not that style of beer, but a beer brewed from barley malt, hops, and some other cereal or cereal product.

On April 14, 1914, the defendant company withdrew its plea of not guilty formerly made and entered a plea of guilty to the first three counts of the information, and the court imposed a fine of \$25. The fourth and fifth counts of the information were nolle prossed.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3437. Adulteration and misbranding of beer. U. S. v. Obermeyer & Liebmann. Plea of guilty to counts 1, 2, and 3 of information. Fine, \$25. Counts 4 and 5 of information nol-prossed. (F. & D. No. 5177. I. S. No. 1156-e.)

On January 20, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in five counts against Obermeyer & Liebmann, a corporation, New York, N. Y., alleging shipment by said defendant on October 15, 1912, from the State of New York into the State of Connecticut, of a quantity of beer which was adulterated and misbranded. The product was labeled: "Pilsener Style Beer Registered Trade Mark Brewed from choice Malt and fine Hops By Obermeyer & Liebmann Bottled at the Brewery. New York City." (Neck label) "Obermeyer & Liebmann."

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

Specific gravity.....	1. 0147
Alcohol (per cent by volume).....	4. 45
Extract (per cent by weight).....	5. 48
Extract, original wort (per cent by weight).....	12. 60
Degree fermentation (per cent).....	56. 51
Volatile acid as acetic (grams per 100 cc).....	0. 014
Total acid as lactic (grams per 100 cc).....	0. 158
Maltose (per cent).....	1. 68
Dextrin (per cent).....	2. 71