

**3911. Adulteration and misbranding of "Malt and Hop Liquid Food." U. S. v. Schuster Brewing Co. Plea of guilty. Fine, \$10. (F. & D. No. 4956. I. S. No. 6173-d.)**

On November 17, 1914, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schuster Brewing Co., a corporation, Rochester, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on May 27, 1912, from the State of Minnesota into the State of Missouri, of a quantity of so-called "Malt and Hop Liquid Food," which was adulterated and misbranded. The product was labeled: (On casks) "Malt Food—The contents of this container is 100 bottles of fermented Malt Liquor of 12 ounce capacity each. Schuster Brewing Co. Rochester, Minnesota, Consignor." (On bottles) (Trade Mark) "Schuster's Malt and Hop Liquid Food Serial No. 2288. Guaranteed by Schuster Brewing Co. Under the Food and Drugs Act. June 30th, 1906. Also the food laws of all States. Capacity 12 oz., 4% alcohol. Mfrd. only by Schuster Brewing Co., Rochester, Minn. \$1000 bona fide guarantee that there is no adulteration whatever in the production of this malt and hop food and that it is a perfectly fermented malt liquor." "Gives great strength to nursing mother and her baby." "A boon to those of overworked brains, shattered nerves and no appetite. Gives sound and refreshing sleep." "None genuine without this signature Schuster Brewing Co." "A great strength giver—A pure liquid food—Contains no drug whatever." "None genuine without this signature Schuster Brewing Co."

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

Specific gravity.....	1.02397
Specific gravity distillate.....	0.99271
Refraction, Zeiss, 17.5° C.....	53.2
Refraction, Zeiss, distillate, 17.5° C.....	21.5
Alcohol by specific gravity (per cent by volume).....	5.07
Alcohol by Zeiss refractometer (per cent by volume).....	5.03
Extract by specific gravity (per cent).....	8.00
Extract, by Zeiss refractometer (grams per 100 cc).....	8.15
Extract original wort (per cent).....	16.12
Degree fermentation.....	50.37
Volatile acid, as acetic (grams per 100 cc).....	0.0114
Total acid, as lactic (grams per 100 cc).....	0.2025
Maltose (per cent).....	2.19
Dextrin (per cent).....	4.40
Ash (per cent).....	0.172
P <sub>2</sub> O <sub>5</sub> (per cent).....	0.046
Proteid (per cent).....	0.293
Polarization, undiluted (°V.).....	+64
Color (degrees, Brewer's scale, $\frac{1}{4}$ -inch cell).....	19
Basis 15 per cent wort:	
P <sub>2</sub> O <sub>5</sub> (per cent).....	0.043
Proteid (per cent).....	0.273
Ash (per cent).....	0.160

Adulteration of the product was alleged in the information for the reason that a substance, to wit, a product prepared from barley malt, hops, corn, and rice, had been substituted wholly or in part for a product prepared exclusively from barley malt and hops. Misbranding was alleged for the reason that the words "Malt and Hop Liquid Food," borne on the bottles containing the product, were false and misleading in that the article purported to be a product prepared wholly from barley and hops, when, in truth and in fact, it was not so prepared, but was prepared from

a substitute for said barley and hops, to wit, a product prepared from barley malt, hops, corn, and rice. Misbranding was alleged for the further reason that the label on the bottles bore pictorial matter of barley and hops, which tended to mislead the purchaser into the belief that said product was made exclusively from barley and hops, whereas, in truth and in fact, said product was not so prepared, but was prepared from barley malt, hops, corn, and rice.

On November 17, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

WASHINGTON, D. C., *June 8, 1915.*