

**3935. Adulteration and misbranding of "Malt and Hop Liquid Food." U. S. v. Schuster Brewing Co. Plea of guilty. Fine, \$30. (F. & D. No. 5536. I. S. Nos. 6715-e, 6716-e, 6717-e.)**

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 3 informations against the Schuster Brewing Co., a corporation, Rochester, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 9, December 12, and December 27, 1912, from the State of Minnesota into the State of Missouri, of quantities of "Malt and Hop Liquid Food," so-called, 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) S 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 Bonafide 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 Drugs Whatever. None genuine without this signature Schuster Brewing Co."

Analyses of samples of the product upon which the 3 different informations were based, made by the Bureau of Chemistry of this department, showed the following results:

Alcohol (per cent by volume).....	4.80	4.69	4.60
Extract (per cent by weight).....	7.98	7.73	7.84
Extract in original wort (per cent by weight).....	15.66	15.23	15.20
Degree fermentation.....	49.04	49.25	48.42
Volatile acid, as acetic (grams per 100 cc).....	0.006	0.009	0.018
Total acid, as lactic (grams per 100 cc).....	0.176	0.189	0.189
Maltose (per cent).....	2.55	2.37	2.44
Dextrin (per cent).....	3.84	4.07	3.39
Ash (per cent).....	0.186	0.164	0.161
Proteid (per cent).....	0.43	0.384	0.381
P <sub>2</sub> O <sub>5</sub> (per cent).....	0.058	0.055	0.053
Polarization, undiluted (° V).....	+61.6	+61.6	+61.6
Color (degrees, $\frac{1}{4}$ -inch cell, Lovibond).....	14	14	14

Adulteration of the product was alleged in the informations 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 pleas of guilty to the 3 informations, and the court imposed a fine of \$30.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 30, 1915.