

4955. Misbranding of beer. U. S. * * * v. John Hohenadel. Plea of guilty. Fine, \$100. (F. & D. No. 7243. I. S. No. 4810-k.)

On April 28, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Hohenadel, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 27, 1915, from the State of Pennsylvania into the State of New Jersey, of a quantity of beer, which was misbranded. The article was labeled: (On main label) "Hohen-Adel Crowned with Success (Design of Barley and Malt) Approved JH Endorsed Health Beer Approved, Recommended and Endorsed by U. S. Health Bulletin for Absolute Purity, Free from Adulterations and Sanitary and Hygienic Methods of Brewing and Handling John Hohenadel, Falls Brewery, Philadelphia, Pa."

Misbranding of the article was alleged in the information for the reason that the statement (borne on the label), to wit, "Approved, Recommended and Endorsed By U. S. Health Bulletin For Absolute Purity, Free From Adulterations," was false and misleading in that it falsely represented that the article had been approved, recommended, and indorsed by the United States Government, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it had been approved, recommended, and indorsed by the United States Government, whereas, in truth and in fact, it had not. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On June 12, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

CARL VROOMAN, *Acting Secretary of Agriculture.*