

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2543.

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

**U. S. v. 17 Barrels of Lithia Beer. Decree of condemnation by default.
Goods ordered destroyed.**

MISBRANDING OF LITHIA BEER.

On October 24, 1912, the United States Attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 barrels of lithia beer remaining unsold in the original unbroken packages at 36 Plum Street, Portland, Me., alleging that the product had been shipped on or about October 7, 1912, by the Suffolk Brewing Co., Boston, Mass., and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Guaranteed Ingalls Bros. Lithia Beer. Thirty-one gallons beer, Portland, Maine, Non Intoxicating."

Misbranding of the product was alleged in the libel for the reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, under the name of lithia beer, when in truth and in fact it was not lithia beer. Misbranding was alleged for the further reason that each barrel was labeled "Lithia Beer," which label was calculated to deceive and mislead the purchaser in that the product was not lithia beer. Misbranding was alleged for the further reason that the barrels were labeled "Non Intoxicating," which label was calculated to deceive and mislead the purchaser thereof, in that the product was not nonintoxicating. Misbranding was alleged for the further reason that the barrels bore a certain statement, to wit, the inscription, to wit, "Lithia Beer," which said statement was false and misleading in that the product contained no lithia. Misbranding was alleged for the further reason that the

barrels bore a certain statement, to wit, the inscription "Non Intoxicating," which said statement was false and misleading in that the product was intoxicating.

On December 2, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 27, 1913.*

2543

