

Patent Office." (Molded in bottom of bottle) "The Independent Brewing Co., Phila." (On shipping package, two sides) "Drink Majestic Beer." (Paper paster on side) "When empty return to the Independent Brewing Co., 3036 North Sixth St., Philadelphia. Mr. Geo. Strang, Swedesboro, N. J."

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

Alcohol (per cent by volume).....	3.45
Extract (per cent by weight).....	5.65
Extract original wort (per cent by weight).....	11.17
Degree fermentation.....	49.42
Volatile acid as acetic (grams per 100 cc).....	0.012
Total acid as lactic (grams per 100 cc).....	0.216
Maltose (per cent).....	1.82
Dextrin (per cent).....	2.86
Ash (per cent).....	0.173
Proteid (per cent).....	0.304
P ₂ O ₅ (per cent).....	0.054
Undetermined (per cent).....	0.50
Polarization, undiluted, 200 mm tube (°V.).....	+41.0
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	4

Adulteration of the product was alleged in the information for the reason that, whereas it purported to be beer brewed from pure malt and hops, a certain other substance, to wit, a product brewed from malt, hops, and corn flakes, and colored with caramel, was substituted for it. Misbranding was alleged for the reason that the label on each of the bottles bore a certain statement, to wit, "Brewed from choice malt and hops," which said statement was deceiving and misleading to the purchaser in that it conveyed the thought and meaning that the beer was brewed from choice malt and hops, as therein stated, whereas, in truth and in fact, the said beer was not brewed from choice malt and hops, but, on the contrary thereof, was brewed from malt, hops, and corn flakes, and contained an added ingredient as a coloring matter, to wit, caramel.

On December 8, 1913, the defendant company entered a plea of non vult contendere, and the court imposed a fine of \$50 and costs. The basis of the charges of adulteration and misbranding, as reported by this department to the Department of Justice, was that the product was not brewed solely from barley, malt, and hops, but was brewed from hops, barley, malt, and some other cereal or cereal product.)

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3075. Adulteration and misbranding of beer. U. S. v. Jung Brewing Co. Plea of guilty. Fine, \$50. (F. & D. No. 5166. I. S. Nos. 36610-e, 37907-e.)

On June 11, 1913, the United States attorney for the Eastern District of Wisconsin, 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 Jung Brewing Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 22, 1912, from the State of Wisconsin into the State of Illinois, of a quantity of beer which was adulterated and misbranded. The product was labeled: (On neck) "Brewed from Choice Malt and Hops. Jung Milwaukee." (Main label) "Capacity about 13½ oz. None Genuine except that which bears this trade mark. Jung Milwaukee Trade Mark Export Beer Brewed and Bottled by Jung Brewing Company, Milwaukee, Wis." (On neck) "Brewed from Choice Malt & Hops, Jung Milwaukee." (Main label) "Capacity about 13½ oz. None genuine except that which bears this trade mark. Jung Milwaukee Trade Mark Pilsener Style Beer, Brewed & Bottled by Jung Brewing Company, Milwaukee, Wis."

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

Alcohol (per cent by volume).....	4.08
Extract (per cent by weight).....	4.61
Extract original wort (per cent by weight).....	11.13
Degree fermentation.....	58.58
Volatile acid as acetic (grams per 100 cc).....	0.014
Total acid as lactic (grams per 100 cc).....	0.144
Maltose (per cent).....	1.25
Dextrin (per cent).....	2.45
Ash (per cent).....	0.136
P ₂ O ₅ (per cent).....	0.053
Proteid (per cent).....	0.384
Undetermined (per cent).....	0.39
Polarization, undiluted, 200 mm tube (°V.).....	+32.4
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	3.5

Analysis of a sample of the product, "Pilsener Style Beer," by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	4.25
Extract (per cent by weight).....	4.61
Extract original wort (per cent by weight).....	11.41
Degree fermentation.....	59.60
Volatile acid as acetic (grams per 100 cc).....	0.007
Total acid as lactic (grams per 100 cc).....	0.135
Maltose (per cent).....	1.27
Dextrin (per cent).....	2.30
Ash (per cent).....	0.135
Proteid (per cent).....	0.397
P ₂ O ₅ (per cent).....	0.054
Polarization, undiluted, 200 mm tube (°V.).....	+32.4
Undetermined (per cent).....	0.41
Color (degrees in $\frac{1}{4}$ -inch cell, Lovibond).....	7

Adulteration of these products was alleged in the information for the reason that there had been mixed therewith a cereal which had been substituted wholly or in part for hops and barley malt; that is to say, a product known as corn meal or corn grits had been substituted for barley malt and hops so that the product was not a beer brewed from "choice malt and hops," as indicated by the label thereof, but was a beer prepared from materials other than malt and hops, that is to say, was a beer brewed in part from a substitute for malt, that is to say, from a cereal or corn-meal product which had been substituted as aforesaid in the manufacture, preparation, and brewing of said products. Misbranding was alleged for the reason that the labels on the products were false and misleading for the reason that the statement "Brewed from Choice Malt and Hops" led purchasers to believe and was calculated and intended to so lead them to believe that the product was a genuine Pilsener beer and brewed exclusively from choice malt and hops, whereas, in truth and in fact, it was made and brewed from materials other than malt and hops, that is to say, it was, in truth and in fact, made and brewed from hops and barley malt with the addition thereto of a certain corn-meal or corn-grit product.

On June 14, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.