

On October 24, 1913, 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., May 6, 1914.

3107. Adulteration and misbranding of "Life-Malt." U. S. v. 60 Barrels of "Life-Malt."
Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5224.
S. No. 1812.)

On May 17, 1913, the United States Attorney for the District of South Dakota, 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 60 barrels of "Life-Malt," remaining unsold in the original unbroken packages and in possession of the Jewett Drug Co., Aberdeen, S. Dak., alleging that the product had been shipped on or about May 20, 1912, by the Fred Krug Brewing Co., Omaha, Nebr., and transported in interstate commerce from the State of Nebraska into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled (on barrel head): "9 Doz. Life Malt Small"; (on paster on barrel head): "Intoxicating liquor— $37\frac{1}{10}$ % alcohol—from Fred Krug Brewing Co., 26th and Vinton Sts. Omaha, Neb.—Jewett Drug Co., Aberdeen, South Dakota—D-577"; (on bottles—neck label): "Life-Malt, the tonic you like"; (principal label): "Alcohol $3\frac{1}{2}$ %. Contents 12 ozs. Krug Life-Malt, Reg. U. S. Pat. Office. A highly concentrated Extract of Malt and Hops, prepared only by Fred Krug Brewing Co. Omaha, Neb. Guaranteed by Fred Krug Brewing Company, under Pure Food and Drugs Act, June 30, 1906. No. 3952. Krug-Life-Malt is the ideal food for Brain and Brawn workers, purifies and replenishes the blood, cleanses the liver, builds brain, bone and muscle and regulates the bowels. Is a great boon to nursing mothers, convalescents and those of weak and rundown systems, it aids digestion, repairs waste of tissue, improves the appetite, soothes the nerves, produces healthful sleep."

Adulteration of the product was alleged in the libel for the reason that the barrels and bottles contained a product which was ordinary dark beer, in which some cereal product other than malt had been substituted therefor so as to reduce, lower, and injuriously affect the utility [quality] and strength of the product. Misbranding was alleged for the reason that the said barrels of Life-Malt did not contain "a highly concentrated extract of malt and hops," as the label purported them to contain, but said 60 barrels of Life-Malt and each of them contained ordinary dark beer, in which some cereal product other than malt had been substituted therefor so as to reduce, lower, and injuriously affect the utility [quality] and strength of the product contained in each of the bottles, and for the further reason that the labels on said bottles caused further deception by reason of the fact that they each contained a pictorial representation of barley, and, therefore, the product was labeled and branded so as to deceive and mislead the purchasers.

On August 15, 1913, the said Fred Krug Brewing Co. having entered its appearance as the owner of the product and filed its bill acknowledging the allegations of the libel to be true, 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, and that the said Fred Krug Brewing Co. should pay the costs of the proceedings, amounting to \$43.

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

WASHINGTON, D. C., May 6, 1914.

3108. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5225. S. No. 1814.)

On May 19, 1913, the United States Attorney for the District of New Jersey, 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 100 cases