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THE MYSTERIOUS NON-ALCOHOLIC PORTER OF L'VIV

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A strange drink appeared in the city of L'viv in 1932: non-alcoholic porter. The city, once the chief city of the kingdom of Galicia and Lodomeria in the Austro-Hungarian Empire, was then in Poland and was generally known by its Polish name Lwów or its German name Lemberg; its historical neo -Latin name was Leopolis. It had been fought over by Poles and Ukrainians after the end of the Great War and had briefly been the capital of the Western Ukrainian National Republic before definitively becoming Polish territory. The Poles regarded Galicia as Małopolska Wschodnia or Eastern Little Poland. It was later the Soviet city of L'vov and is now L'viv, the principal city of western Ukraine.

The first sign of the strange new drink appears to have been a discreet advertisement which appeared in the Ukrainian-language newspaper *Dilo* in June 1932:

> Wanted, for a newly established, competition-free and very profitable business, a shareholder with a capital of 1000 dollars, to whom we shall at the same time give the post of manager in that business with a monthly salary in accordance with conditions. Apply to the firm "Porter", L'viv, Valova 23, 1st floor.[1]

Next, in August of that year a feature – which was clearly an advertisement masquerading as journalism – in the Polish-language newspaper *Sprawiedliwość* reported that a non-alcoholic drink had appeared on the market, comparable to genuine porter in taste, colour and odour.

A certain Dr Ruebenbauer, director of the L'viv food and drink research institute, was quoted as saying that the drink did not contain alcohol, was entirely similar to genuine beer in taste and odour, and was made from malt with the addition of sugar and protein. A Dr Marjan Pańczyszyn wrote that 'Porter bez alkoholu' (Porter without alcohol) was a reinvigorating drink of excellent taste and odour. It was recommended as a health drink especially for young persons with anaemia, nursing mothers and children. The feature stated that the drink was produced on the basis of a Polish patent by the firm of Porter Ska z o. o. of Prowiantowa 8, Lwów (L'viv), with offices at Wałowa (now Valova) 23.[2]

Advertisements also appeared the press in August 1932 for a 'sensational novelty' – non-alcoholic porter. These too stated that it was produced by Wytwórnia Napoju Bezalkoholowego „Porter" S. z o. o., Wałowa 23, Lwów, and claimed that it was a refreshing drink made from nourishing ingredients, namely malt and hops, and was recommended against anaemia in young persons, nursing mothers and children.[3]

The Porter company was created by a notarial act of 23 June 1932 and officially registered with the district court with effect from 21 January 1933. According to the notice of registration, the full name of the firm was Wytwórnia napoju bezalkoholowego „Porter" spółka z ograniczoną odpowiedzialnością we Lwowie (Producer of the non-alcoholic drink "Porter", company with limited liability, L'viv). The object of the company was the production of that drink. The share capital was 20,000 zloty, of which half was paid up and the other half was to be paid within one year. The office was at Wałowa 23, L'viv. The board consisted of two directors, Iwan Liszczyński and Szymon Tarnawski.[4] Liszczyński was described as the owner of property at Kadecka (now vul. Heroiv Maydanu) 2, L'viv, and Tarnawski as the owner of property in the town of Sokal' north of L'viv.[5] The company was owned by Liszczyński and Arnold Horowitz, who, it seems, had brewed non-alcoholic beer in Vienna.

Iwan Liszczyński was a controversial politician, a former Ukrainian member of the Polish parliament (Sejm), representing the Ukrainian National Democratic Alliance (Unda). Before the 1928 elections he organised a number of meetings at which he made offensive remarks against the Polish government. When the magistrates broke up the meetings, he generally refused to obey and called on the people to disobey their orders.

In 1931 Liszczyński was put on trial in L'viv, accused of high treason, breach of the peace, public violence, bringing

the government into disrepute and breach of the law on public meetings. He was found not guilty of treason but was convicted on a lesser charge of unlawful assembly and sentenced to six months' imprisonment.[6] Later in 1931 he was convicted by the Rivne district court of making use at a public meeting of seditious words against the state and expressing disrespect for authority. He was sentenced to two years' imprisonment.[7] The sentences were reduced to take into account the time he had spent in detention on remand.

It appears that he was also one of a group of Ukrainian politicians arrested and held in the fortress of Brest because of hostility to the Polish government and the Polish leader marshal Piłsudski.

Liszczyński then left politics and applied himself to other interests. It seems that – as one of those interests – he and Tarnawski and others planned the non-alcoholic porter venture in the summer of 1932.

A general meeting of the new company was held on 15 January 1933, at which Liszczyński managed to persuade a majority of those present that he should stay as director, although the balance sheet showed a shortfall of 17,000 zloty and the administrative balance was even worse.

The company, then, was regularly set up. But the brewery and its non-alcoholic porter were not all that they seemed. In October 1933 Liszczyński and Horowitz, the co-owners of the brewery, were arrested on the instructions of investigating judge Dr Kapuściński, apparently in connection with the Szawaluk affair. Bazyli Szawaluk was a former chief secretary of the registry of the district court and was in custody under suspicion of various offences. The three of them were said to have embezzled more than 100,000 zloty in the course of setting up the brewery. A fourth suspect, Szymon (Semen) Tarnowski, was arrested a day later. It was now said that they had defrauded dozens of people by selling them fake shares in the brewery, and the sums involved were around 200,000 zloty.[8]

The trial took place before the L'viv court from 6 to 10 February 1934, presided over by judge Szulisławski. The proceedings were reported in detail, probably with tolerable accuracy, in L'viv newspaper, *Chwila*. The report of the first day's proceedings started by recalling Liszczyński's previous conviction. As to Szawaluk, he had been appointed bailiff for L'viv district VIII in January 1933, but gave an interview in which he made scandalous comments about bailiffs in the ex-Austrian and ex-Russian parts of Poland, whereupon his appointment was cancelled and he returned to his post in the court registry. In September 1933 he was arrested on suspicion of embezzling money that had been deposited with the court (about 10,000 zloty), forging a certificate of the district court on the basis of which he obtained from police headquarters in Katowice a permit to cross the Polish-German border, and fraud in connection with bills of exchange. *Chwila* also noted that Szawaluk owned a small 24-*morgen* (about 5.5 hectares) estate near L'viv and a house in Berlin, which may explain his machinations in order to cross the German frontier; it consistently referred to him as an ex-bailiff, and gave its generally hostile reports headlines such as 'Ex-bailiff and ex-parliamentarian brewed beer'.

The main accusation in the present indictment was that Szuwaluk, Liczczyński and two other persons, Arnold Horowitz and Szymon Tarnawski, set up a fictitious brewery of non-alcoholic porter and on the basis of that fictitious creation induced numerous people to spend tens of thousands of zloty on worthless shares.

On the first day of the proceedings, the defendant Szawaluk denied the accusations. He said he had held office for 32 years without complaints. He could not explain what had become of the money deposited in court, but in any case he had not benefited from it. When he became aware of the deficit, he had approached a businessman for a loan of 10 000 zloty, but had not received the money. He had also informed his official superiors of the disappearance of the money, and they had been unable to understand how it had happened. He denied the other charges in similar fashion.[9] According to Chwila's reporter, when listening to Szuwaluk's evidence, it was hard to tell at first whether he was seriously speaking of 'his beer' or whether it was just a common bluff.

On the second day of the trial, the defendant Liszczyński likewise portrayed the transactions as genuine. He had leased premises and installed appropriate machinery with which he brewed beer. He asserted that both Dr Ruebenbauer and Dr Pańczyszyn had considered the non-alcoholic porter to be without blemish and healthy. He had obtained the support of Centrosojuz (Central Union of Cooperatives) with a view to putting the porter on sale via 3,000 cooperatives in Soviet Ukraine.

The defendant Horowitz acknowledged that the beer was produced in accordance with his recipe, for which he was to be paid 2 500 dollars. He was not a member of the company. The 'patent' was his secret and he did not want to disclose it. He also claimed to have patents for the production of non-alcoholic porter in Czechoslovakia, Hungary and Austria, but his 'patent' was not registered with the Polish patent office.

The defendant Tarnawski, an acquaintance of Szawaluk, had been recruited by the company as a cashier. The first money

that flowed into the company came from him: at Szawaluk's request he had paid 300 dollars as a deposit. The money had been used up, and he had lent Szuwaluk 600 dollars, which he had not got back. He did not know what sort of contract had been signed before the notary. So it was beyond doubt that he was the first victim of the Porter company. He believed in the beer. Sometime it was better, sometimes worse. He did not know the secret of the extract; that was for the brewer Horowitz and the chemist Bauer. 4,000 bottles of extract had been produced, and therefore around 120,000 bottles of porter (these figures cannot both be correct; perhaps there were 12,000 bottles of porter). A bottle of the beer consisted of 1/3 extract and the rest was soda water. (Prosecutor: That's the secret!) Not much had been consumed, said Tarnawski.[10]

Chwila commented that it was no longer in doubt that there had been a financial speculation on a large scale, based on the stupidity of the public.

On the third day, the next witness called was Wilhelm Barg, a local businessman who had been involved in various cases concerning defamation and bribery. His evidence tended to exculpate himself and blame others. He explained that he was a senior officer with authority to sign documents (prokurent) on behalf of the Porter company. He had joined the company as such and also as a shareholder. He had deposited 6,000 zloty, which he never saw again. Liszczyński and Horowitz had been in close contact and against all logic if the company had been conceived honestly, they denied him access to the secret of the 'patent'. Horowitz kept in the background as much as possible during the manufacture of this excellent beverage which no one actually wanted to drink. Barg asserted that the bottled beer typically exploded and stained the clean tablecloths in restaurants. Consumers often found flies and wasps in the bottles. (A voice: 'Bon appetit!'. Prosecutor: 'A purgative.')

Barg said that he had received letters from customers in L'viv and Warsaw saying that it was rubbish and did not sell. Only the agency in Bielsko was satisfied; they told him that it could be better, but on the whole was satisfactory. Liszczyński had tried to reach agreement with Centrosojuz to recommend the porter to their cooperatives, but in practice no such agreement came about; Centrosojuz merely acted as agent for a commission of 5% and Porter had to organise the distribution. Only one wholesale point was set up, in Przemyśl.

According to Barg, Liszczyński recruited shareholders mainly from middle-class Ukrainians who had full trust in him. He said that Porter would become a first-rank enterprise and Metropolitan Archbishop Szeptycki would supply as much money as he wanted.[11] Since then Barg had become more and more convinced that it was a fictitious company, and he had called the shareholders and told them the whole truth outright. In response, without his knowledge and without informing him, Liszczyński and Tarnawski had entered him in the commercial register as an office-holder. One day, not having any money in his pocket, he had asked Liszczyński for ten zloty to pay for travelling home to Rava-Rus'ka, and on that occasion, for the first and last time, Liszczyński had kept his word and given him the ten zloty. On his return he found that the company had been leased to Szawaluk's wife Jadwiga Szawalukowa. Barg said that he had been astonished at that, and she had explained that she did not really know what document she had signed, her husband had introduced her to two lawyers and told her to sign, and so she had signed.

Barg had learnt from a cousin in Vienna that Horowitz had already brewed similar beer in Vienna, but his patent was not recognised and only a partner's supplementary parent (Zusatz-Patent) was worth anything. The patent had not been registered in Poland, if one could speak of a patent at all.[12]

More witnesses were heard on the fourth day. A businessman named Wittels said that he had not considered Porter to be a fictitious company, and had joined it for a special reason, namely to find a job for his unemployed brother-in-law. He had supplied the firm with a large quantity of sugar. He estimated his loss at several hundred zloty. Landowner Mrs Holdenmayerowa had a civil claim against Liszczyński for around 300 dollars.

The next witness, Jan Geciow, was a senior assessor of the Polish state railways company PKP. He had solicited for shareholders. One day he happened to meet in the street a certain Dowbosz, who was really planning to buy some land, but then bought a packet of shares in the value of around 10,000 zloty. Geciow was allotted one share as a commission, which he transferred to his son to remember him by.

Geciow said that he knew of Liszczyński as a wealthy man. Szawaluk had maintained that the value of one share was 2,000 dollars, the monthly income from which would amount to 300 zloty. Liszczyński had approached metropolitan archbishop Szeptycki, asking for backing for selling non-alcoholic porter in the surrounding villages, but nothing came of it, as the metropolitan refused. Horowitz had reported that the PKP deputy manager Świgost had promised him consumption of about 2,000 bottles a day by railwaymen.

Witness Jósef Knysiak, an acquaintance of Szawaluk, had agreed to recruit shareholders for the company, for which he was promised 5% to 10% commission. The first one he had

recruited was his fiancée, who lost 70 dollars and (as he euphemistically said) did not spare him her complaints.

Witness Władysław Bauer had leased his Turul factory (presumably the Kadecka premises) and equipment to the company in return for a monthly rent of 200 zloty, a job at 300 zloty a month, and a loan of 200 dollars payable monthly. There was indeed no patent, but the beer produced was good. The witness was interested because he was a chemist. He had himself brewed a similar beer before the Great War. To show that it was not a bluff, he produced a copy of the Vienna newspaper *Der Tag*, which assured abstainers that the invention of non-alcoholic beer was better for health than alcoholic drinks. There were flies and wasps in the bottles because there was no money for brushes to clean them. The business had failed because of too swift development and lack of working capital.

The next witness, Dowbosz, could not find enough words to complain against Geciow for persuading him into the transaction. In the company's office Liszczyński by a trick had answered a prearranged telephone call and fooled him into buying shares. He lost around 10 000 zloty, which was his wife's fortune, intended for the purchase of real property. He had also been promised a job for his sister-in-law, who had eventually after many importunate requests received a fee of precisely ten zloty.[13]

The first witness on the fifth day of the trial was railwayman G. Handermander, who had been persuaded to join the Porter company by chief secretary Geciow. Liszczyński had promised him golden mountains. Handermander lost 400 dollars. Retired high school teacher Kowałski followed. He had put 700 dollars into the company, for which he received 10 shares. He described the general meeting of January 1933. He had agreed that production of the extract should continue to be financed, but on condition that an agreement was reached with the creditors. Liszczyński had disagreed, and Kowałski then discovered that the business had been leased to Mrs Szawalukowa.

More witnesses gave evidence. Rudolf Müller, manager of a bus company, had taken on the representation of the porter business in L'viv and district and had incurred a loss of about 8,000 zloty in that connection. Dr J. Schneider for his part had been interested in Porter because of his anti-alcoholic views. With his wife's money he had bought shares to the value of 435 dollars. When the fraud came to light he had secured his loss on the defendants' assets. Katarzyna Masiukowa had lost 100 dollars on Porter.

Witness Józef Zwerdling, somewhat cryptically described by Chwila as the would-be husband of an elderly widow and currently serving a sentence of 18 months' imprisonment, said that he had got to know the porter company when Horowitz asked him to sell six bags of sugar. The other defendants had had him arrested, but the court found nothing wrong and released him.[14]

It should perhaps be stated in Zwerdling's honour that he was a young man, a driver by trade, who had at one time been notorious as the would-be husband of a senior railway official's rich property-owning widow, Mrs Gruderowa, who was about twenty years older than him. He was convicted in December 1933 of abusing her confidence and defrauding her, but he appealed against the conviction, and in April 1934 the court of appeal took the view that it had not been proved that he had acted for his own gain, as the alleged victim herself had said that she had voluntarily given valuable items to her future husband. He was therefore acquitted and released from prison.[15]

That concluded the taking of evidence. Judgment in the case of Szawaluk and Others was given on 13 February 1934. Szawaluk was convicted of embezzling deposits worth 10 000 zloty and sentenced to three years' imprisonment; he was also convicted and of forging an official document and sentenced to six months' imprisonment, the sentences to run concurrently. He was not guilty, however, of the charge relating to the porter company. Iwan Liszczyński was convicted of misleading and defrauding a number of persons and sentenced to two years' imprisonment, which was reduced by way of amnesty to a term of one year. They were both also deprived of civic rights for five years. Horowitz and Tarnawski were acquitted.[16]

So at this stage it seemed that, while Szawaluk was guilty of embezzlement and forgery not connected with the brewery, the only person proved to have been fraudulent in connection with the porter company was Liszczyński.

Yet that was not the end of the story. Both sides appealed. The appellate court gave judgment on 14 June 1934. It set aside the court of first instance's decision relating to Liszczyński and acquitted him. As regards Szawaluk, however, it upheld the judgment acquitting him of serious fraud in connection with the production of non-alcoholic porter but increased his sentence for embezzling money deposited with the court to four years' imprisonment. The acquittals of the other defendants were confirmed.[17]

So, in the end, not only were Szawaluk and the other defendants acquitted on the charges relating to non-alcoholic porter, Liszczyński himself was also cleared. The grounds of the appellate court's judgment were not stated, but it must have taken the view that the brewery had not been merely a fraud

or a fiction but rather a speculative but legal venture in which careless investors had unfortunately lost their money, or – as we have seen – in some cases their wives' money.

One newspaper, *Nowy Dziennik*, had earlier described the brewery as 'nothing other than merely a clever trap for the naïve',[18] and this description and *Chwila's* comment that there had been a speculation in reliance on the stupidity of the public were surely accurate.

While some details are not clear from the press reports, it does appear that the brewery was not merely a 'bluff' and that at least some sample bottles of the drink were produced, perhaps from the 4,000 bottles of extract mentioned by Tarnawski. Even if full production ever started, however, it must have ceased by the time that the affair came before the court.

Liszczyński and Szawaluk – a politician and a court official – had no experience of brewing, and the brewery was surely conceived as a money-making scheme. Probably Horowitz introduced them to the concept of non-alcoholic porter, as it appears that he had brewed it in Vienna. As seen above, the company was properly formed and legally registered with the competent court, a city centre office was leased in Wałowa street, and an AGM was held and officers regularly appointed (even if one of them, Barg, did not know that he had been appointed).

On the production side, the Kadecka street premises were leased from Bauer and equipped with machinery for brewing, or rather concocting, a drink from the secret extract – presumably some sort of malt extract or syrup with sugar and colouring to make it dark – and soda water (with or without flies and wasps). Some bottles were produced and supplied to the agencies in L'viv, Warsaw and Bielsko.

Efforts were made to recruit shareholders, perhaps with more enthusiasm than scrupulous honesty. Some at least were actually allotted shares, although one wonders whether they actually received share certificates. But as the company failed, the shares were worthless anyway. Efforts were also genuinely made to sell the drink, although the approaches to the railways and the archbishop were optimistic. The archbishop was wise to decline to be involved.

Dubious contracts were signed, and the quiet transfer or lease to Szawaluk's wife – which in practice probably meant simply that she was now liable for the firm's debts – appears rather suspicious.

Nevertheless, contrary to Wilhelm Barg's opinion, Porter was not a completely fictitious company. To echo the wording of the June 1932 advertisement, it may indeed have been free of competition, if only because it had never occurred to anyone else to brew non-alcoholic porter, but it was not very profitable. It may well be correct that, as Władysław Bauer said, the venture failed as a result of too much thoughtless enthusiasm combined with too little working capital. The arrest and trial of the principals would then have given it the coup de grace.

Finally, it may be noted that non-alcoholic porter was not a figment of Liszczyński's fertile imagination. Quite apart from what Horowitz may have done in Vienna, it was brewed in Riga (Latvia) under the name Malt-Poters by a brewer by the name of Oskar Kruhmin (in German) or Oskars Krūmiņš (in Latvian), reportedly from 1910 and at least from 1924,[19] until his firm – then owned by Adele Krūmiņš – was nationalised in July 1940 after the Soviet takeover of Latvia.

References

1. *Dilo*, 26 June 1932 (consulted on libraria.ua).
2. *Sprawiedliwość*, 2 August 1932 (consulted on libraria.ua).
3. *Sprawiedliwość*, 6 August 1932, Chwila, 8 August 1932 (consulted on libraria.ua).
4. The names of the persons involved are not always spelt consistently; Liszczyński may appear as Leczczyński and Szawaluk as Szuwaluk.
5. *Gazeta Lwowska*, 23 February 1935 (consulted on jbc.bj.uj.edu.pl).
6. *Gazeta Lwowska*, 16 to 22 April 1931 (consulted on jbc.bj.uj.edu.pl). Liszczyński appealed against the L'viv conviction to the Supreme Court in Warsaw, on the point of law of whether, if a defendant was represented by several lawyers, only one of them could address the court. The appeal was dismissed in July 1931: *Gazeta Lwowska*, *Słowo Polskie*, both 30 July 1931, consulted on jbc.bj.uj.edu.pl).
7. *Słowo Polskie*, 2 May 1931 (consulted on jbc.bj.uj.edu.pl).
8. *Gazeta Lwowska*, 21, 22 October 1933 (consulted on jbc.bj.uj.edu.pl).
9. *Chwila*, 7 February 1934 (consulted on libraria.ua).
10. *Chwila*, 8 February 1934 (consulted on libraria.ua).
11. Andrzej Szeptycki in Polish, Andrey Sheptytsky in Ukrainian, was the Metropolitan Archbishop of L'viv of the Ukrainian Greek Catholic Church from 1901 until his death in 1944.
12. *Chwila*, 9 February 1934 (consulted on libraria.ua).
13. *Chwila*, 10 February 1934 (consulted on libraria.ua).
14. *Chwila*, 11 February 1934 (consulted on libraria.ua).
15. *Chwila*, 20 December 1933, 20 April 1934 (consulted on libraria.ua).
16. *ABC*, 13 February 1932, *Gazeta Lwowska*, 14 February 1934 (consulted on jbc.bj.uj.edu.pl), *Chwila*, 14 February 1934 (consulted on libraria.ua).

17. Chwila, 15 July 1934 (consulted on libraria.ua).
18. *Nowy Dziennik*, 8 February 1934 (consulted on jbc.bj.uj.edu.pl).
19. *Pehdejā Brihdī*, 24 October 1930, 1 March 1932, both with pictures (consulted on www.periodika.lv).