

3627. Misbranding of water. U. S. v. 20 Cases, More or Less, of Water. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5714. I. S. No. 22151-h. S. No. E-38.)

On May 8, 1914, 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 20 cases, each containing one dozen bottles of water, remaining unsold in the original unbroken packages at Atlantic City, N. J., alleging that the product had been shipped on or about March 31 and April 7, 1914, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act as amended. The shipping cases were labeled: "Mountain Valley Spring Water of Arkansas—World's best water for kidney and bladder troubles—Office 247 West 36th St., New York City." (Sides) "1 Doz. $\frac{1}{2}$ gals." (One end) "Abe Freeman, 1532 Atlantic Ave., Atlantic City, N. J."

The retail packages were labeled: "Is Radio-Active Mountain Valley Water." (Shoulder Label) (Picture of Building) "64 fl. oz. net. Mountain Valley Water—From Hot Springs, Ark.—The Army and Navy Hospital of Hot Springs, Ark., uses the Mountain Valley Water to the exclusion of all others in the treatment of kidney diseases—Unsurpassed for Table Use. A Remedy for Bright's Disease, Diabetes, Cystitis and Rheumatism. Mountain Valley Water Co., of New York, Distributors, 247 West 36th St., New York, N. Y."

Misbranding of the product was alleged in the libel for the reason that the statements on the labels, "Radio-Active," and that the product was "A remedy for Bright's Disease, Diabetes, Cystitis, and Rheumatism," were false, fraudulent, and misleading, and for the further reason that the product, to wit, the said water, was not radio-active, and was not a remedy for Bright's disease, diabetes, cystitis, and rheumatism.

On September 4, 1914, the Mountain Valley Water Co., New York, N. Y., claimant, having filed its answer admitting the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released and delivered to said claimant, which had paid the costs of the proceedings and executed a bond in the sum of \$500, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*