

3649. Misbranding of mineral water. U. S. v. 300 \* \* \* Bottles of Stafford Mineral Springs Water. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5762. I. S. No. 7139-h. S. No. C-46 )

On June 19, 1914, the United States attorney for the Northern District of Alabama, 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 300 5-gallon bottles or carboys of Stafford Mineral Springs water, remaining unsold in the original unbroken packages in possession of Folks & Wynant Co., at Birmingham, Ala., alleging that the product had been shipped, on May 19, 1914, by Colburn, Morgan Co., Vosburg, Miss., and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended. The product was labeled: "Stafford Mineral Springs Water, a remedy for all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia" (Picture of red heart with words "The Bo-Go-Ha-Ma Water of Life of The Indian Trade Mark Registered") "Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc., Bottled only at the Springs near-Vosburg, Jasper County, Miss., by the Stafford Mineral Springs & Hotel Co., Ltd., Colburn, Morgan Company, Vosburg, Miss."

It was alleged in the libel that the product was misbranded, and was without and did not possess therapeutic properties as claimed upon said labels, and the statements therein were false and fraudulent, in violation of section 8 of the Food and Drugs Act, paragraph 3, as amended, August 23, 1912. It was further alleged in the libel that the product was misbranded as aforesaid because said water was an ordinary limestone water, and did not possess therapeutic properties claimed to be contained therein in the statements and labels thereon, in that the labels on said bottles contained the statements as follows: "Stafford Mineral Springs Water, a remedy for all Kidney Diseases, Bright's Disease, Diabetes, Dyspepsia, Rheumatism, Torpid Liver, Calculi, Insomnia, Nervous Prostration, Etc.," which said statements were false and fraudulent.

On July 6, 1914, the said Folks & Wynant Co., Birmingham, Ala., and Colburn, Morgan Co., Vosburg, Miss., claimants, having consented to a decree of condemnation, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered and surrendered to said claimants upon the execution and delivery of a good and sufficient bond in the penal sum of \$600, in conformity with section 10 of the act, said claimants having agreed to pay the costs of the proceedings.

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

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