

Co., Phillipsburg, N. J., alleging that the article had been shipped from Phillipsburg, N. J., in two consignments, on or about January 18, 1929, and April 11, 1929, respectively, and transported from the State of New Jersey into the State of California, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that the ether contained peroxide and excessive residue.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of purity as specified by that authority.

Misbranding was alleged for the reason that the following statements appearing in the labeling, "Ether Purified US PX," with respect to a portion of the product, and "Ether Purified for Anesthesia US PX," with respect to the remainder, were false and misleading.

On February 12, 1930, no claimant having appeared for the property, judgments were entered finding the product adulterated, and it was ordered by the court that the said product be delivered to Government agencies for official and technical use and particularly that it must not be used for anaesthesia.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17305. Adulteration and misbranding of mineral water. U. S. v. 240 Cases, et al., of Mineral Water. Decree of condemnation and forfeiture. Water ordered destroyed and containers delivered to shipper. (F. & D. No. 23882. I. S. No. 07674. S. No. 2082.)**

On July 18, 1929, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 240 cases, each containing eight ½-gallon bottles, and 239 crates containing 5-gallon bottles of Chumuckla mineral water, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Chumuckla Springs Co., Pensacola, Fla., on or about June 16, 1929, and transported from the State of Florida into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, considered as a food, in that it consisted in whole or in part of a filthy and putrid animal and vegetable substance.

Misbranding of the article, considered as a food, was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding of the article, considered as a drug, was alleged for the reason that the following statements on the bottle label and shipping box, regarding the curative and therapeutic effects of the said article, (bottle label) "Natures' greatest gift to suffering humanity \* \* \* from Florida's fountain of youth \* \* \* makes sick folks well \* \* \* Healing Waters \* \* \* Marvelous results have been achieved in the treatment of Stomach, Kidney, and Bladder Troubles, Diabetes, Rheumatism, Blood Disorders, Skin Affections, Eczema, Chronic Ulcers and old sores of long standing are healed by bathing in the water \* \* \* a great curative agent \* \* \* For best results in all internal ailments, a gallon a day should be taken for the first two weeks, then quantity can be reduced. Even in the most aggravated cases of kidney trouble \* \* \* For healing sores and ulcerations, local application should be made. Place absorbent cotton over affected parts and saturate with Chumuckla water. It is very healing; also drink plenty of Chumuckla while treating locally," (shipping box) "Nature's gift to suffering humanity \* \* \* gives results \* \* \* healing waters \* \* \* fountain of youth \* \* \* Nature's great corrective," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On September 26, 1929, the Chumuckla Springs Co., Pensacola, Fla., having appeared and admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by dumping the water. It was further ordered by the court that the Chumuckla Springs Co. be permitted to retain the bottles, cases, and crates upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*