

**18315. Misbranding of Farmville lithia water. U. S. v. Twenty-three 5-Gallon Bottles of Farmville Lithia Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25965. I. S. No. 24683. S. No. 4241.)**

Examination of a mineral water, known as Farmville lithia water, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of twenty-three 5-gallon bottles of Farmville lithia water at Chicago, Ill., alleging that the article had been shipped by the Farmville Lithia Springs Water Co., from Farmville, Va., February 12, 1931, and had been transported from the State of Virginia into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "This is natural spring water Farmville Lithia Water from Virginia \* \* \* Farmville Lithia Springs Water Co. \* \* \* Chicago, Ill."

Chemical analysis of a sample of water from the shipment showed that it contained only a spectroscopic trace of lithium amounting to about five ten-thousandths (.0005) of a milligram per liter and that the total dissolved mineral matter which consisted chiefly of silica and bicarbonates of lime and magnesia amounted to only 84 milligrams per liter.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Nature's Great Remedy for All Kidney and Liver Diseases, Diabetes, Gout, Rheumatism and All Diseases of Uric Acid Diathesis."

On April 14, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18316. Adulteration and misbranding of ether. U. S. v. Seventy-five 1-Pound Cans of Ether. Consent decree of condemnation. Product delivered to department for analytical purposes. (F. & D. No. 25600. I. S. Nos. 8927, 8928. S. No. 3903.)**

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On January 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seventy-five 1-pound cans of ether at Pittsburgh, Pa., alleging that the article had been shipped by Merck & Co., from Newark, N. J., on or about November 17, 1930, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether U.S.P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by tests laid down in said pharmacopoeia, in that it contained peroxide.

Misbranding was alleged for the reason that the statement on the can label, "Ether U.S.P.," was false and misleading.

On May 25, 1931, Merck & Co., Rahway, N. J., having withdrawn claim and answer and having consented to the entry of a decree of condemnation, judgment was entered by the court ordering that the product be destroyed by the United States marshal. On July 15, 1931, an amended order was entered directing the marshal to turn the product over to this department for analytical purposes.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18317. Adulteration and misbranding of Huff's Old Reliable brand sore throat remedy. U. S. v. 7 Bottles of Huff's Old Reliable Brand Sore Throat Remedy. Default decree of condemnation and destruction. (F. & D. No. 25637. I. S. No. 8899. S. No. 3909.)**

Examination of the drug product herein described having shown that it contained less chloroform than declared on the label, also that the bottle and

carton labels and accompanying circular bore representations that the article possessed curative and therapeutic properties, which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On January 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 bottles of Huff's Old Reliable brand sore throat remedy, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by Huff Bros. & Co., Pittsburgh, Pa., on or about January 8, 1930, and had been transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of chloroform (7.5 minims per fluid ounce), iron chloride, a small proportion of extracts of plant drugs, glycerin, alcohol, and water.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Chloroform 15 Minims to one ounce," whereas the strength of the article fell below such professed standard, in that it contained less than 15 minims of chloroform per fluid ounce.

Misbranding was alleged for the reason that the statement on the carton and circular, "Chloroform 15 Minims to one ounce," and the statement on the bottle label, "Chloroform 15 minims to 1 oz.," were false and misleading when applied to an article containing a less amount of chloroform. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of chloroform contained therein, since the declaration was incorrect. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Sore Throat Remedy \* \* \* A Remedy for Croup, Quinsy, Tonsillitis, Diphtheria and all kinds of Sore Throat from whatever cause. \* \* \* its work quickly;" (carton) "Sore Throat Remedy \* \* \* This Remedy was Designed to Remove the Cause That Creates Throat Trouble. \* \* \* A remedy for Croup, Quinsy, Tonsillitis, Diphtheria and all kinds of Sore Throat from Whatever Cause \* \* \* Quickly Relieves Cough;" (circular) "Sore Throat Remedy \* \* \* A Remedy For Croup, Quinsy, Tonsillitis, Diphtheria and all Kinds of Sore Throat from Whatever Cause \* \* \* Its Work Quickly \* \* \* without doubt the Best Medicine for Croup, Quinsy, Tonsillitis, Diphtheria and general sore throat, possible to produce. \* \* \* relief of suffering and pain, caused by Sore Throat from whatever cause, \* \* \* Sore Throat Remedy does Absolutely what it is intended to do. \* \* \* [Testimonials] We have used your throat remedy since 1895. It cured three of my sons of Diphtheria. \* \* \* Your sore throat remedy is so wonderful I feel you are entitled to a word of commendation. My daughter had been ill for thirteen days with Tonsillitis, followed by Quinsy and the Doctor's treatment seemed to be doing her no good, when I procured a bottle of your remedy and after two hours you would not have known she was the same child. I could only marvel at the rapidity of her recovery and can assure you I shall never be without a bottle of this splendid sore throat remedy in our home. This party received the remedy from Pittsburgh, Pa., after 6 P. M. on a Thursday and her daughter was back in school the following Monday; so do you wonder that they feel grateful."

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18318. Adulteration and misbranding of ether. U. S. v. Sixteen ¼-Pound Cans of Ether for Anesthesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25670. I. S. No. 15886. S. No. 3955.)**

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of sixteen ¼-pound cans of ether at Syracuse, N. Y., alleging that the