

20747. Misbranding of Veronica water. U. S. v. 20 Cases of Veronica Water. Product adjudged misbranded and ordered released under bond to be relabeled. (F. & D. no. 27925. I. S. no. 47299. S. no. 5967.)

Examination of the mineral water involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On March 18, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 20 cases of Veronica water at Cincinnati, Ohio, consigned by the Veronica Mineral Springs Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce, from Chicago, Ill., into the State of Ohio, on or about July 31, 1931, and January 28, 1932, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of a sample of the article by this Department showed that it consisted essentially of a mineral water containing Epsom salt and other salts commonly found in ground water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the label, were false and fraudulent: (Bottle) "The Water Way to Health"
 * * * Stomach and Bowel Disorders Traceable to Faulty Elimination. It is very beneficial in Liver and Kidney Troubles. * * * In obstinate cases take hot until satisfactory elimination is obtained, * * * until system is thoroughly cleansed, * * * until it is no longer needed. * * * Veronica Water enjoys the endorsement of physicians of recognized standing throughout the country. * * * It neutralizes the acids of the stomach and expels the gas."

On June 17, 1932, the Shasta Water Co., having filed a claim for the property, admitting the allegations of the libel and consenting to the entry of a decree of condemnation, judgment was entered finding the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20748. Adulteration and misbranding of capsules: phenyl salicylate, salol, and acetphenetid; sodium salicylate; sedative; cinchophen; Cystitans; Mixed Treatment; Bland modified; Asthmans; Dalgerine, formin compound; calomel compound; luminal (phenobarbital); and Rheumatans. U. S. v. The Philadelphia Capsule Co., Inc., and Joseph McManus. Plea of nolo contendere. Judgment of guilty. Philadelphia Capsule Co. fined \$100; Joseph McManus fined \$50. (F. & D. no. 28142. I. S. nos. 29831 to 29835, incl., 29838, 29840, 29842 to 29848, incl.)

This case was based on the interstate shipment of various drugs in capsule form, which analyses showed contained one or more of the essential drugs in amounts varying materially from the labeled content. Investigation further disclosed that the labels of certain of the products bore unwarranted curative and therapeutic claims.

On January 9, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States an information against the Philadelphia Capsule Co., a corporation, and Joseph McManus, of Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 14 and April 16, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of drugs that were adulterated and misbranded.

The information charged that all the products were adulterated in that they fell below the professed standard and quality under which they were sold; that they were misbranded because certain statements in the labels purporting to show the amount of the essential drugs contained in the products, were false and misleading; and in the case of certain of the products that they bore statements on the labels, regarding their curative and therapeutic effects, that were false and fraudulent.

The products involved in the shipments consisted of the following: One lot of capsules, labeled "Phenyl Salicylate, 5 Grains", contained not more than 3.981 grains each of the drug, and were falsely and fraudulently represented to be effective as an intestinal antiseptic that would render the urine