

5292. Adulteration and misbranding of lithia water. U. S. * * * v. 5 Cases of Lithia Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7720. I. S. No. 21115-m. S No. W-142.)

On September 22, 1916, the United States attorney for the Northern District of California, 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 5 cases of lithia water, consigned by Enno Sander Mineral Water Co., St. Louis, Mo., on September 12, 1916, and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that article had been shipped and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Garrod Spa Lithia Water An Antacid and Trusty Remedy for the Cure of Gout and Rheumatism Manufactured by Enno Sander Mineral Water Co. St. Louis, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of filthy, decomposed, and putrid matter.

Misbranding was alleged for the reason that the article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed in the statement on the label, to wit, "Trusty remedy for the cure of gout and rheumatism."

On October 3, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*