

efficacious as a palliative for local irritations of nose and throat associated with coughs, colds, asthma, and bronchitis; that for sinus and hay fever it should be diluted with water and used as a nasal spray and should be taken internally 1 or 2 teaspoonfuls one-half hour before meals and before retiring; that in stomach ulcers where a soft bland diet would be prescribed it should be used as a special-purpose food; that it was efficacious for asthma, bronchitis, coughs, colds, asthmatic cough, cough resulting from bronchial pneumonia, sinus conditions, positive ulcer, stomach distress, and lack of strength and pep, which representations in the labeling were false and misleading since the article was not efficacious for the purposes recommended.

On March 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered to be turned over to a hospital for food purposes only. On March 12, 1940 this order was vacated and the product was ordered destroyed.

MINERAL WATERS

205. Misbranding of Shivar Spring Water. U. S. v. 39 Carboys of Shivar Spring Water. Default decree of condemnation and destruction. (F. D. C. No. 1253. Sample No. 87460-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On January 3, 1940, the United States attorney for the Western District of North Carolina filed a libel against 39 carboys of Shivar Spring Water at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about November 24, 1939, by Shivar Springs, Inc., from Shelton, S. C.; and charging that it was misbranded.

Analysis showed that the article was a slightly mineralized, slightly alkaline water containing less than one-half of 1 percent of inorganic salts consisting mainly of calcium and sodium sulfates, chlorides, and bicarbonates.

The article was alleged to be misbranded in that its labeling bore representations that two or three glasses (a pint or more) of the article taken in the morning at least 30 minutes before breakfast would dissolve and wash away any catarrhal mucus, would cleanse the stomach and bowel and prepare them for food and would also flush the kidneys, help to wash out impurities of the blood which may have accumulated during the night and cleanse and refresh the system; that a glass with each meal sipped slowly as one ate would aid poor appetite and poor stomach; that patrons had reported special benefits, in cases of dyspepsia and indigestion, from drinking the water hot before meals, that the heat would stimulate the stomach and the alkaline water would dissolve and wash away the catarrhal mucus; that in cases of functional disorder of the kidneys and bladder it might be found necessary, temporarily, to use the water less frequently than recommended; that the article was mildly laxative but in cases of obstinate constipation a teaspoonful of Rochelle salts dissolved in a glass of the water should be taken 30 minutes before breakfast and repeated every second or third morning as necessary until the bowels act regularly, which representations were false and misleading since the article was not efficacious for the purposes for which it was recommended in the said statements.

On February 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

206. Misbranding of Robinson Spring Water. U. S. v. 92 Cases and 43 Cases of Robinson Spring Water. Decrees of condemnation. On lot ordered released under bond to be relabeled. Remaining lot ordered destroyed. (F. D. C. Nos. 512, 513. Sample Nos. 54577-D, 66050-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On August 26 and 30, 1939, the United States attorneys for the Eastern District of Michigan and the Southern District of Florida filed libels against 92 cases of Robinson Spring Water at Detroit, Mich., and 43 cases of the same product at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about July 26 and August 2, 1939, by the Robinson Spring Water Co. from Jackson, Miss.; and charging that it was misbranded.

Analyses showed that the article was a lightly mineralized water, the mineral matter of which consisted chiefly of common salt (sodium chloride), Glauber's salt (sodium sulfate), gypsum (calcium sulfate), and Epsom salt (magnesium sulfate). It contained less dissolved mineral matter than the water supply of a number of cities in this country.

Misbranding was alleged in that the representation in the labeling that the article was a natural diuretic eliminant water used in treating diabetes and kidney and bladder trouble, was false and misleading since it was not efficacious for the purposes so recommended.

On September 15, 1939, the Robinson Spring Water Co., Michigan distributors, Detroit, Mich., having appeared as claimant for the lot seized at Detroit, Mich., and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled. On June 25, 1940, an answer having been filed in the Southern District of Florida admitting the allegations of the libel, judgment of condemnation was entered and the product in that district was ordered destroyed.

207. Misbranding of Rogers' Mineral Extract. U. S. v. 12 Bottles of Rogers' Mineral Extract. Default decree of condemnation and destruction. (F. D. C. No. 1606. Sample No. 61879-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions mentioned below.

On March 12, 1940, the United States attorney for the Southern District of Mississippi filed a libel against 12 bottles of Rogers' Mineral Extract at Perkinston, Miss., alleging that the article had been shipped in interstate commerce on or about January 25, 1940, by the Rogers Mineral Co. from Cullomburg, Ala.; and charging that it was misbranded.

Analysis showed that the article was a water solution containing approximately 6 percent of mineral matter, mainly iron, aluminum, and sodium sulfates.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious in the treatment of indigestion, hemorrhage of lungs, early stages of consumption, diarrhoea, dysentery or any bowel trouble, pellagra, rheumatism, sores, inactive liver, ulcerated stomach, liver and kidney trouble, flux and other spring and summer diseases, early stages of eczema, burns, backache and general weakness, "T. B. of the bone," skin diseases, that it was a malarial preventative; that it was a natural remedy and purifier which cooperated with the blood system and action of the body in such way that it would give nature an opportunity to build back and restore to the body that which it had lost; that water would dilute the strong destructive acids in all parts of the body, and prepare the way for the product to follow with its healing power; that it was a natural iron tonic for the special purpose of regulating the appetite and causing the food to be assimilated; that it was a general remedy for internal and external use on man or beast; that it was a splendid blood purifier; was nature's remedy; that it would purify the blood and remove pimples from the face; that it was "nature's remedy when one is out of repair and needs treatment"; that it should be poured freely into the hog and chicken troughs for cholera and as a cholera preventative; and was efficacious for sorehead on chickens, which representations were false and misleading since the article was not efficacious for the purposes for which it was recommended.

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VETERINARY REMEDIES³

208. Misbranding of Acme Worm Bouncer. U. S. v. 5 Bags of Acme Worm Bouncer. Default decree of condemnation and destruction. (F. D. C. No. 1419. Sample Nos. 46759-D, 49709-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 2, 1940, the United States attorney for the Western District of Wisconsin filed a libel against five bags of Acme Worm Bouncer at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about November 28, 1939, and January 9, 1940, by Acme Feeds, Inc., from Forest Park, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of charcoal, sulfur, iron oxide, iron sulfate, salt, sodium sulfate, and a small proportion of Epsom salt.

The article was alleged to be misbranded in that the labeling bore representations that it was a "worm bouncer," that no drenching, dosing, handling, or

³ See also N. J. Nos. 172 and 207.