

was found to consist of 75 per cent of oats and 25 per cent of barley by weight.

It was apparent that the lot in question was both adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. Accordingly, on October 13, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the eastern district of Tennessee and libel for seizure and condemnation under section 10 of the act was duly filed, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,  
*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 4, 1909.*

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(N. J. 59.)

## **ADULTERATION AND MISBRANDING OF LITHIA WATER.**

(BASIC LITHIA WATER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 75 bottles, more or less, of a liquid labeled "Basic Lithia Water," a proceeding of libel under section 10 of the aforesaid act, for seizure and condemnation of said water, wherein Otis H. Wood of Washington, D. C., was claimant, lately pending, and finally determined in the supreme court of the District of Columbia on December 8, 1908, by entry of the decree hereinbelow set out. The water was adulterated and misbranded, within the meaning of sections 7 and 8 of the aforesaid act, in this, the bottles containing it were each labeled "Basic lithia water, natural carbonic spring water, Basic, Virginia. Uric acid solvent. A pure, light, freestone, lithia water. Invaluable as a constant and exclusive drinking water, and in the prevention and cure of rheumatism, gout, malaria, typhoid fever, and diseases of the kidneys, liver, blood, and nerves," whereas the water contained practically no lithium carbonate, or any substance which would warrant the statements as to medicinal virtues made on the label, and contained the colon group of organisms, thereby rendering the water unfit for human consumption.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA HOLDING A DISTRICT COURT.

UNITED STATES OF AMERICA	} No. 795.
<i>vs.</i>	
75 BOTTLES, MORE OR LESS, OF LIQUID LABELED "Basic Lithia Water," etc.	

DECREE.

Upon consideration of the libel filed herein, praying for the condemnation of seventy-five bottles, more or less, labeled "Basic Lithia Water," and it appearing to the court that upon the warrant of arrest issued herein the marshal of the United States for the District of Columbia has seized ninety-six bottles labeled "Basic Lithia Water," and inventoried as of the value of five dollars, as appears by the return of the said marshal filed herein; and it further appearing that the owner and claimant of the said ninety-six bottles of said water, Otis H. Wood, has appeared herein and consented to the prayer of the libel, and no objection being signified, it is this eighth day of December, 1908,

Ordered, adjudged, and decreed that the said ninety-six bottles of liquid labeled "Basic lithia water. Natural carbonic spring water. Basic, Virginia," are misbranded in violation of the Food and Drugs Act approved June thirtieth, 1906, in that the said water is not a lithia water and is not qualified for medicinal purposes; and it is further misbranded in that the said water is not a pure, light, freestone lithia water, is not an uric acid solvent, and is not invaluable as a constant and exclusive drinking water and in the prevention and cure of rheumatism, gout, malaria, typhoid fever, and diseases of the kidney, liver, blood, and nerves, as stated on the label, in violation of the said Food and Drugs Act approved June thirtieth, 1906.

It is further ordered, adjudged, and decreed that the said liquid contained in the said ninety-six bottles seized as aforesaid is adulterated in violation of the said Food and Drugs Act approved June thirtieth, 1906, in that the said water is contaminated with the presence of the colon group of organisms, and is accordingly unfit for human consumption, and is deleterious to health.

And it is ordered that the said ninety-six bottles with contents be disposed of by destruction, as prayed in the libel, and that the said claimant, Otis H. Wood, pay all the costs of these proceedings.

By the court.

THOS. H. ANDERSON, *Justice*.

The facts in the case were as follows:

On or about November 9, 1908, an inspector of the Department of Agriculture found in the possession of Otis H. Wood, Washington, D. C., 96 bottles of water, each of which was labeled and branded: "Basic lithia water, natural carbonic spring water, Basic, Virginia. Uric acid solvent. A pure, light, freestone, lithia water. Invaluable as a constant and exclusive drinking water, and in the prevention and cure of rheumatism, gout, malaria, typhoid fever, and diseases of the kidneys, liver, blood, and nerves."

Several samples of the water were subjected to chemical and bacteriological analysis and examination in the Bureau of Chemistry in the Department of Agriculture, and it was found that the water did not con

tain enough lithia in 2,000 grams to give a spectroscopic test; the amount of lithia present was not weighable, and if present in a quantity appreciable at all, was estimated to be less than one-hundredth parts per million. According to the United States Pharmacopœia, a dose of lithium carbonate is seven and one-half grains, and on this basis it would require many thousand liters of the water seized to contain a medicinal dose. It was evident that the water did not contain a sufficient quantity or consistency of lithia to make it of value for medicinal purposes, and that the statement appearing on the label as to its efficacy in the prevention and cure of various diseases was false and misleading and in violation of section 8 of the act. The water was adulterated within the meaning of section 7 of the act for the reason that it contained the colon group of organisms, which are closely associated with and indicate fecal contamination, thereby rendering the water unfit for human consumption. Accordingly, on November 9, 1908, the facts were reported to the United States attorney for the District of Columbia and libel for seizure and condemnation, under section 10 of the act, was duly filed in the court aforesaid, with the result hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 4, 1909.*

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(N. J. 60.)

#### **ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.**

(AS TO PRESENCE OF WHEAT AND MAIZE.)

In accordance with the provisions of section 4 of the Food and Drugs Act, June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 28th day of December, 1908, in the district court of the United States for the district of Maryland, in a prosecution by the United States against Louis Horpel, trading as Louis Horpel & Company, in Baltimore, Md., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Maryland to Delaware of adulterated and misbranded buckwheat flour, that is say, flour contained in packages labeled "Mountain Ready Prepared Buckwheat," which consisted in part of wheat flour