

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2709.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Buckhorn Lithia Water Co. Plea of guilty. Sentence suspended on payment of costs.

MISBRANDING OF LITHIA WATER.

On October 2, 1911, the United States Attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckhorn Lithia Water Co., a corporation, Henderson, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, on May 10, 1910, from the State of North Carolina into the State of Georgia of a quantity of so-called Buckhorn Lithia Water which was misbranded. The product was labeled: "Note the marvelously quick effect on the kidneys. Buckhorn Lithia Water. This water has the highest scientific endorsement as a cure for catarrh of stomach or bowels, constipation and indigestion. Beneficial in all fevers especially typhoid. It gives the quickest relief in all uric acid troubles, thick or discolored urine, stone in bladder, pain in urinating. It cures kidney and bladder troubles, sciatica, rheumatism and gout. Trade Mark Registered. Buckhorn Lithia Water Co., Henderson, N. C. Analysis Grns. per U. S. Gal. Silica 1.592 Iron and aluminum (Oxides) .157 Calcium bicarbonate 9.698 Magnesium bicarbonate 2.566 Lithium bicarbonate 4.706 Potassium chloride .058 Sodium chloride .612 Sodium Sulphate .344 Sodium bicarbonate .379 20.112 * * *"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Ions (parts per million): Phosphoric acid (PO_4), trace; metaboric acid (BO_2), very faint trace; silica (SiO_2), 29.73; sulphuric acid (SO_4), 2.20; carbonic acid (CO_3), 0.00; bicarbonic acid (HCO_3), 137.50; nitric acid (NO_3), 0.22; nitrous acid (NO_2), 0.00; chlorin (Cl), 6.50; bromin (Br), 0.00; iodine (I), 0.00; iron (Fe), 0.08; calcium (Ca), 30.99; magnesium (Mg), 4.74; potassium (K), 0.62; sodium (Na), 12.05; lithium (Li), 0.04; ammonium (NH_4), 0.04; total, 224.71. Hypothetical combination (parts per million): Ammonium chlorid (NH_4Cl), 0.12; lithium chlorid (LiCl), 0.24; potassium chlorid (KCl), 1.18; sodium nitrate (NaNO_3), 0.30; sodium chlorid (NaCl), 9.33; sodium sulphate (Na_2SO_4), 3.25; sodium bicarbonate (NaHCO_3),

26.48; magnesium bicarbonate ($\text{Mg}(\text{HCO}_3)_2$), 28.52; calcium bicarbonate ($\text{Ca}(\text{HCO}_3)_2$), 125.31; ferrous bicarbonate ($\text{Fe}(\text{HCO}_3)_2$), 0.25; silica (SiO_2), 29.73; total, 224.71. Misbranding of the product was alleged in the information for the reason that the package and label bore statements, designs, and devices regarding the water and the ingredients and substances therein contained which were false and misleading; the statement of the label "Lithia Water" being misleading, deceptive, and false in that the water did not contain enough lithium to give the therapeutic effect of lithia water; and the statement of the label, "This water has the highest scientific endorsement as a cure for catarrh of stomach and bowels, constipation and indigestion," was misleading, deceptive, and false, as it conveyed the impression that the product contained therapeutic properties capable of effecting a cure of all cases of the disorders and diseases mentioned therein, whereas in fact it did not contain substances with therapeutic effects capable of producing a cure in all cases of the disorders and diseases aforesaid; and further, the statement in the label, "It gives the quickest relief in all uric acid troubles, thick or discolored urine, stone in bladder, pain in urinating" was misleading, deceptive, and false, as it conveyed the impression that the said water possessed therapeutic properties capable of effecting the quickest relief in all uric acid troubles, thick or discolored urine, stone in bladder, and pain in urinating, whereas in fact it did not contain ingredients which would give the quickest relief in all uric acid troubles, thick or discolored urine, stone in bladder, or pain in urinating; and further, the statement in the label, "It cures kidney and bladder trouble, sciatica, rheumatism and gout," was misleading, deceptive, and false, as it conveyed the impression that the waters contained ingredients possessing therapeutic properties which would produce a cure in all kidney and bladder troubles, sciatica, rheumatism, and gout, whereas in fact the water did not contain ingredients possessing therapeutic properties adequate to cure all cases of kidney and bladder troubles, sciatica, rheumatism, and gout; and further, the statement and analysis in the label, "Lithium bicarbonate 4.706 grns. per U. S. Gal.," was misleading, deceptive, and false for the reason that the quantity of lithium present in the water was much less than the amount stated upon the label aforesaid.

On December 19, 1911, the defendant company entered a plea of guilty to the information and the court suspended sentence upon payment of the costs, it appearing that there was no intention on the part of the defendant to violate the statute.

C. F. MARVIN,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 7, 1913.*