

**6005. Misbranding of lithia water. U. S. \* \* \* v. S. Cases of Lithia Water. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8441. I. S. No. 1304-p, S. No. E-875.)**

On August 16, 1917, the United States attorney for the District of Connecticut, 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 8 cases of lithia water, remaining unsold in the original unbroken packages at Greenwich, Conn., alleging that the article had been shipped on or about June 12, 1917, by The Rubino Healing Springs Co., Hot Springs, Va., and transported from the State of Virginia into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Rubino Healing Springs Lithia Water \* \* \* is beneficial in rheumatism and gout."

It was alleged in substance in the libel that the article was misbranded for the reason that the statement borne on the labels of the bottles, to wit, "Lithia Water," was false and misleading in that the bottles contained 0.05 milligrams of lithium per liter, and did not contain a sufficient quantity of lithium to entitle it to be called lithia water; and for the further reason that the statement on the label regarding the article, to wit, "Beneficial in rheumatism and gout," was false and fraudulent in that the article contained no ingredients or combination of ingredients which rendered it effective as a treatment for rheumatism or gout. Misbranding of the article was alleged for the further reason that it was in package form, and the contents was stated in terms of weight, but said weight was not plainly stated on the outside of the package.

On December 17, 1917, the said Rubino Healing Springs Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$32, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*