

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.*

(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 "Moun-ten Ready Prepared Buckwheat," which consisted in part of wheat flour

and corn meal, the said Louis Horpel entered a plea of guilty, whereupon the court imposed a fine of ten dollars.

The facts in the case were as follows: On December 14, 1907, an inspector of the Department of Agriculture purchased from Tayler & Reynolds, Elkton, Md., samples of a product labeled and branded "Mounten Ready Prepared Buckwheat. Serial No. 289. Louis Horpel & Co., 920-30 Clifford St., Balto., Md." The goods had been packed and shipped by Louis Horpel & Company to the W. D. Mullen Company, Wilmington, Del., from which company they were purchased by said Tayler & Reynolds. One of the samples was subjected to analysis in the Bureau of Chemistry, in the Department of Agriculture, and it was found to consist of a mixture of buckwheat, wheat, and maize.

In "Standard of Purity for Food Products" established under authority of the act of March 3, 1903, and published as Circular 19 of the Office of the Secretary of the United States Department of Agriculture, buckwheat flour is defined as follows:

Buckwheat flour is bolted buckwheat meal and contains not more than twelve (12) per cent of moisture, not less than one and twenty-eight hundredths (1.28) per cent of nitrogen, and not more than one and seventy-five hundredths (1.75) per cent of ash.

It was evident that the product was both adulterated and misbranded within the meaning of sections 7 and 8 of the Food and Drugs Act of June 30, 1906, adulterated because it purported to be a flour made of buckwheat, when, in fact, other substances, namely, wheat and corn products, had been substituted in part for buckwheat flour, thereby reducing and lowering its quality and strength. It was misbranded because labeled and sold as buckwheat flour, whereas it was a mixture of buckwheat, wheat, and maize.

The Secretary of Agriculture on July 21, 1908, afforded the manufacturer an opportunity to show any fault or error in the findings of the analyst, and he having failed to do so, the facts were reported to the Attorney-General and the case referred to the United States attorney for the district of Maryland, who filed an information against the said defendant 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.*