

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 924, FOOD AND DRUGS ACT.

MISBRANDING OF HARRIS' LITHIA WATER.

On or about February 15, 1911, there were offered for sale in the District of Columbia 92 bottles of alleged lithia water, which were labeled: "Nature's Remedy—Harris' Lithia Water, for the liver, kidneys, stomach, and the bladder, and all affections attendant upon a uric acid condition—This water is unequalled for the cure of rheumatism, gout, constipation, all forms of dyspepsia, stone in the bladder, catarrh of the stomach, Bright's disease, dropsy, nausea, haematuria and catamenial derangements, and all diseases of the blood", said label bearing in addition directions for taking, and a certified analysis, which analysis contained, among other things, the statement that the product contains 2.86 grains of lithium bicarbonate per imperial gallon. A sample of the above product was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain only a spectroscopic trace of lithium, about 0.02 milligram per liter, insufficient to give the therapeutic effect of lithia water. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the said district against the said 92 bottles of Harris' Lithia Water, charging the above offering for sale, and alleging that the product in question was misbranded within the meaning of the act because it was labeled as above set forth, when in truth and in fact the product did not contain an appreciable amount of lithium, nor one one-hundredth of the amount or proportion of lithium bicarbonate per imperial gallon

stated upon the label as aforesaid, and would not give the therapeutic effect of lithium when a reasonable quantity of said water was consumed, and because said water was not a lithia water nor entitled by reason of its ingredients to be so called, but was offered for sale under the distinctive name of another article (lithia water), the labeling in question being such as to mislead and deceive the purchaser; and praying seizure, condemnation, and forfeiture of the product. Thereupon Thomas H. Atkinson, Washington, D. C., consignee of the 92 bottles in question, entered his appearance as claimant to the above product, and filed his plea and answer admitting the allegations of the above libel, and consenting that a decree of condemnation be entered against said goods, and petitioning that the 92 bottles above referred to be delivered to him upon the payment of the costs of these proceedings and the execution of a good and sufficient bond, conditioned that the product should not be sold or disposed of contrary to law.

On March 8, 1911, the cause came on for hearing on the above libel and answer, and the court being fully informed in the premises, issued its decree, finding the above mentioned 92 bottles of Harris' Lithia Water to be misbranded as alleged in said libel, and condemning and forfeiting the same to the use of the United States, with the proviso, however, that upon the payment by said claimant of all the costs of this proceeding and execution of the bond described in his answer, the said 92 bottles be released to said claimant. The said costs having been paid and bond furnished, in accordance with the terms of the decree, the goods were released to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1911.*

