

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 968, FOOD AND DRUGS ACT.

MISBRANDING OF BUCKHEAD LITHIA WATER.

On or about January 10, 1911, the Buckhead Springs Company, Buckhead, Va., shipped from the State of Virginia into the District of Columbia five cases of water labeled: "Pure—Light—Soft—Healing—Buckhead Lithia Water (design of buck's head) Buckhead Springs, Va., Chesterfield County. Guaranteed under the Food and Drugs Act June 30, 1906. Serial 26848." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and was found to contain merely spectroscopic traces of lithium, insufficient to give the therapeutic effect of lithium or to entitle it to be classified as a lithia water. As it appeared from the findings of the analyst and report thereon 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.

On March 7, 1911, a libel was filed in the Supreme Court of the District of Columbia against the said five cases of the product, charging the above shipment and alleging that the product so shipped was misbranded because it was labeled as above set forth, which label was false and misleading as the words "Buckhead Lithia Water" imported that the liquid in question was a lithia water when in truth and in fact it did not contain an appreciable amount of lithium and would not give the therapeutic effect of lithium when a reasonable quantity of said water was consumed, and because the said water was not a lithia water or entitled by reason of its ingredients to be so called, but was offered for sale under the distinctive name of another

article, to wit, lithia water. and praying seizure, condemnation, and forfeiture of the product.

On March 28, 1911, the cause came on for hearing, and no claimant to the product having appeared or answer having been filed to the allegations of the above libel, the court, being fully informed in the premises, issued its decree finding the product to be misbranded as alleged in the above libel, condemning and forfeiting the product to the use of the United States and ordering its destruction by the marshal of said district.

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., *June 17, 1911.*

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