

of 66 bottles of H. and H. water and 74 gallon bottles of H. and H. water natural, remaining in the original unbroken packages at Evansville, Ind., alleging that the articles had been shipped by the H. & H. Water Co., Dawson Springs, Ky., on or about July 30 and September 10, 1921, respectively, and transported from the State of Kentucky into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The concentrated water was labeled in part: "The Water You Need' H. And H. Water Concentrated (By Boiling Down) * * * Price \$1.00 Bottled at our Wells only by The H. & H. Water Company Dawson Springs, Kentucky. * * * Recommended For * * * Indigestion, Stomach, Liver and Kidney Troubles, Bright's Disease, Diabetes, Jaundice, Malaria, Etc. * * * Contents 25 Fluid Ounces. * * *" The natural water was labeled in part: " * * * H. And H. Water Natural. Notice: This water is put up in its natural state just as it comes from the earth. * * * Contents One Gallon. * * * Recommended For * * * Indigestion, all Stomach, Liver and Kidney Troubles, Malaria, Female Troubles, Etc. * * * "

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results, as expressed in milligrams per liter:

Radicals.	Concentrated water.		Natural water.	
	(1) ¹	(2) ²	(1) ¹	(2) ²
Chlorid (Cl).....	4,307	2,395	47	113
Sulphate (SO ₄).....	145,695	49,677	2,392	3,527
Bicarbonate (HCO ₃).....	580	335	506	541
Potassium (K).....	} (Calc.)13,253 {	209	} (Calc.)164 {	14
Sodium (Na).....		4,923		219
Magnesium (Mg).....	31,405	10,684	392	596
Calcium (Ca).....	571	188	402	614
Carbonate (CO ₃).....	690			
Silica (SiO ₂).....		34	26	33
Phosphate (PO ₂).....		5		
Manganese (Mn).....		4		
Lithium (Li).....		Trace.		
Iron (Fe).....			.1	28
Lithium and stronium (Li and Sr).....				Trace.
Totals.....	196,501	68,454	3,929.1	5,685

¹ As found in the Bureau of Chemistry.
² Analyses on labels recalculated.

Misbranding of the articles considered as foods was alleged in substance in the labels for the reason that the statements of the analyses of the said articles, appearing on the respective labels of the bottles containing the same, were false and misleading and deceived and misled the purchaser. Misbranding of the articles considered as drugs was alleged for the reason that the statements appearing in the respective labels, to wit, "Recommended For * * * Indigestion, Stomach, Liver and Kidney Troubles, Bright's Disease, Diabetes, Jaundice, Malaria, Etc." and "Recommended For * * * Indigestion, all Stomach, Liver and Kidney Troubles, Malaria, Female Troubles, Etc.," were false and fraudulent in that the said articles contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding was alleged with respect to the concentrated water for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, the quantity not being stated in terms of the largest unit.

On December 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10268. Misbranding of peas. U. S. * * * v. J. F. Solley & Co., a Corporation. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 15458. I. S. No. 654-t.)

On December 5, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. F. Solley & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 19, 1921,