

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 830, FOOD AND DRUGS ACT.

MISBRANDING OF MINERAL WATER—"CALIFORNIA WATERS OF LIFE."

On or about June 29, 1910, N. C. and E. J. Foster, La Pressa, Cal., shipped from the State of California into the State of Tennessee 325 cases, containing one dozen bottles each, and 25 cases, containing one-half dozen bottles each, of a water labeled: "Foster and Foster, Props. Fairchild, Wis. Original California waters of life, formerly known as Isham's Sweet Water Springs, San Miguel Mts., San Diego, Calif. The most salubrious spot on earth. Just as it flows from nature's laboratory. Famous for its miraculous power to destroy diseases and actually rejuvenates humanity by dissolving and evacuating calcareous old age matter and microbes. The worst form of kidney, stomach, blood and skin diseases yield to its marvelous power. Cures rheumatism, Bright's disease, diabetes, dropsy, gallstones, acute dyspepsia, insomnia, and gives new life. Makes the blood pure and postpones old age. No other water performs such wonderful cures. Requires less than one-half the amount of other medicinal waters to derive the desired results. Some physicians have specially requested that the precipitation, if any occurs, be saved for their own use as it is pronounced by chemists to be iron and silica and in no manner is the value of the water lessened or deteriorated." Analysis of samples of this product was made by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain no ingredients possessing therapeutic properties superior to those found in the average spring water or in any sense justifying the above claims of the shipper as to its curative qualities. 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 there-

fore liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Tennessee.

In due course a libel was filed in the District Court for said district, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as above set forth and that the statements contained in said label were false, exaggerated, and untrue, and especially those statements which claimed for said water the properties to cure incurable diseases, and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above-mentioned Foster & Foster appeared as claimants, by their attorneys, admitted that the product was subject to seizure and confiscation by the United States on the grounds and for the cause set forth in the above libel and agreeing that an order should be at once entered, condemning and confiscating said product to the use of the United States, but reserving the right to pay the costs of these proceedings and to reclaim possession of the said cases of water upon the execution and delivery of a good and sufficient bond, conditioned that the said cases should not be sold or otherwise disposed of contrary to law.

The cause coming on for hearing, the court being fully informed in the premises issued its decree, finding the product 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 the product should be released to the above-mentioned claimants upon the payment of the costs of these proceedings and the execution of the above-mentioned bond. Said costs having been paid and bond furnished in accordance with the terms of this decree, the product was forthwith released to said claimants.

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

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 3, 1911.*