

5206. Adulteration and misbranding of "Pastillo Agua Mineral Natural." U. S. * * * v. 30 Cases of "Pastillo Agua Mineral Natural." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7570. I. S. No. 3354-1. S. No. E-658.)

On July 17, 1916, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of "Pastillo Agua Mineral Natural," remaining unsold in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped on or about April 8, 1916, by Jose Romaguera, Ponce, P. R., and transported from Ponce, P. R., to San Juan, P. R., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy and decomposed animal substance.

It was charged in substance in the libel that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a preventive of gastrointestinal diseases, typhoid fever, dysentery, enteritis, etc., as a remedy for anemia, uric acid diathesis, dyspepsia, and diseases of the kidneys and bladder, and as efficacious in affections of the stomach, kidneys, and bladder, arthritis, and anemia; whereas, in fact, it was not. Misbranding was alleged for the further reason that the statement on the label, "Saturated with carbon dioxide gas," was false and misleading in that it deceived and misled the purchaser into believing that the water was naturally charged with gas, when, as a matter of fact, it had been saturated with carbon dioxide gas by artificial means; for the further reason that the statements, "The best table water" and "Collected free from disease germs," were false and misleading in that they deceived and misled the purchaser into believing that the water was pure and wholesome, when, as a matter of fact, it was not; and for the further reason that the article was a substance in package form and failed to bear a statement (on the containers) of the quantity of contents.

On January 23, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*