

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21501-21600

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 8, 1934]

21501. Misbranding of Idan Ha Lithia Water. U. S. v. 473 Bottles of Idan Ha Lithia Water. Product adjudged misbranded and ordered delivered to a veterans' hospital. (F. & D. no. 30602. Sample no. 36168-A.)

This case involved a product which was represented to be lithia water but which was found to contain a negligible amount of lithia.

On June 21, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 473 bottles of Idan Ha Lithia Water at Salt Lake City, Utah, alleging that the article had been shipped on or about March 13 and April 4, 1933, by the Idan Ha Mineral Water Co., from Soda Springs, Idaho, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of a moderately mineralized water, the dissolved mineral matter consisting chiefly of magnesian limestone, and that it contained a negligible proportion of lithia.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Lithia Water", was false and misleading, since analysis of a sample showed that the article was a moderately mineralized water containing a negligible proportion of lithia, the dissolved mineral water consisting chiefly of magnesian limestone. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

On October 7, 1933, no claimant having appeared for the property and the court having found that the product though misbranded was fit for human consumption, judgment was entered ordering that it be delivered to the United States Veterans' Hospital at Salt Lake City.

M. L. WILSON, *Acting Secretary of Agriculture.*

21502. Misbranding of M R Son Pink Wonders. U. S. v. 204 Boxes of M R Son Pink Wonders. Default decree of destruction. (F. & D. no. 30652. Sample no. 41527-A.)

Examination of the drug product M R Son Pink Wonders disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box and carton labels, and in a circular shipped with the article. The labeling was further objectionable since it was claimed in the circular that the article contained no harmful drugs and might be taken at frequent intervals; whereas it contained acetphenetidin, a potentially harmful drug; and since the label, in declaring the presence of acetphenetidin, failed to bear a statement that acetphenetidin is a derivative of acetanilid.

On June 24, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 204 boxes of M R Son Pink Wonders at Booneville, Mo., alleging that the article had been