

**4858. Misbranding and alleged adulteration of "Henk Waukesha Mineral Spring Water." U. S. \* \* \* v. Margaret K. Henk et al. (Henk Mineral Spring Co.). Plea of guilty as to count 1 of the information. Fine, \$125. Second and third counts of information nolle prossed. (F. & D. No. 6576. I. S. No. 4019-h.)**

On December 14, 1915, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Margaret K. Henk, Arthur W. Henk, Emma Henk, Clarence E. Henk, and Mabel Henk, copartners, trading under the name of Henk Mineral Spring Co., Waukesha, Wis., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about August 29, 1913, from the State of Wisconsin into the State of Illinois, of a quantity of "Henk Waukesha Mineral Spring Water," which was misbranded and alleged to have been adulterated. The article was labeled: (On bottle) "Henk Waukesha Mineral Spring Water" (Representation of woman and chariot race) "Henk The Water of Merit As a table water it is refreshing and delicious, quenching thirst when ordinary waters fail. As a medicinal water it is a most effective remedy for all kidney ailments, Bright's Disease in its incipiency and general disorder of the organic system. Free from organic matter. Gustave Bode, A'n'l. Chemist, Milwaukee, Wis. Henk Mineral Spring Co. Waukesha, Wis. U. S. A. Carbonated & Bottled only at the Spring. All corks branded Henk." (On neck label) "Henk Waukesha."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as milligrams per liter:

## IONS.

Sulphuric acid (SO <sub>4</sub> )	106.0
Bicarbonic acid (HCO <sub>3</sub> )	502.0
Nitric acid (NO <sub>3</sub> )	9.5
Chlorin (Cl)	920.0
Calcium (Ca)	95.0
Magnesium (Mg)	47.7
Sodium (Na) by difference	640.8
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	2321.

Artificially carbonated.

## HYPOTHETICAL COMBINATIONS.

Sodium nitrate (NaNO <sub>3</sub> )	13.2
Sodium chlorid (NaCl)	1516.7
Sodium sulphate (Na <sub>2</sub> SO <sub>4</sub> )	125.5
Magnesium sulphate (MgSO <sub>4</sub> )	26.4
Magnesium bicarbonate (Mg(HCO <sub>3</sub> ) <sub>2</sub> )	254.6
Calcium bicarbonate (Ca(HCO <sub>3</sub> ) <sub>2</sub> )	384.6
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Adulteration of the article was alleged in the second count of the information for the reason that an article containing added sodium chlorid and added carbon dioxide in quantities not present in Waukesha mineral spring water in its natural condition had been substituted, in whole or in part, for genuine Waukesha mineral spring water, which the article purported to be.

Misbranding of the article, considered as a drug, was alleged in the first count of the information for the reason that the following statement regarding the

therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, “\* \* \* it is a most effective remedy for all kidney ailments, Bright’s Disease in its incipency \* \* \*,” was false and fraudulent in that the same was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for all kidney ailments and for Bright’s disease in its incipency, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for all kidney ailments or as a remedy for Bright’s disease in its incipency, or at any stage. Misbranding of the article, considered as a food, was alleged in the third count of the information for the reason that the statements, to wit, “Waukesha Mineral Spring Water” and “Carbonated and bottled only at the spring,” borne on the label, were false and misleading in that they represented that the article was mineral spring water bottled in its natural condition as taken from the Waukesha Mineral Spring; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was mineral spring water bottled in its natural condition as taken from the Waukesha Mineral Spring, whereas, in truth and in fact, it was not, but was an article containing added sodium chlorid and added carbon dioxid in quantities not present in Waukesha mineral spring water in its natural condition.

On May 11, 1916, pleas of guilty were entered on behalf of defendants as to the first count of the information, and the court imposed a fine of \$25 on each defendant, making an aggregate of \$125. The second and third counts of the information were nolle prossed.

CARL VROOMAN, *Acting Secretary of Agriculture.*