

6665. Misbranding of Ferro-Manganese water. U. S. * * * v. Excelsior Springs Mineral Water & Bottling Co., a corporation. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 8658. I. S. No. 11663-m.)

On October 1, 1918, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Excelsior Springs Mineral Water & Bottling Co., a corporation, Excelsior Springs, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 7, 1917, from the State of Missouri into the State of Illinois, of a quantity of an article labeled in part, "Ferro-Manganese Regent Spring * * * a strong chalybeate water * * *," which was misbranded.

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.

Arsenic acid (AsO ₄)-----	0.1
Silica (SiO ₂)-----	15.8
Sulphuric acid (SO ₄)-----	67.5
Bicarbonic acid (HCO ₃)-----	326.2
Chlorin (Cl)-----	121.0
Iron (Fe) and aluminum (Al)-----	10.1
Manganese (Mn)-----	2.2
Calcium (Ca)-----	112.5
Magnesium (Mg)-----	12.5
Potassium (K), sodium (Na)-----	68.4
Ammonium (NH ₄)-----	2.0
	738.3
	738.3

HYPOTHETICAL COMBINATIONS.

Ammonium chlorid (NH ₄ Cl)-----	5.9
Sodium arsenate (Na ₃ AsO ₄)-----	.2
Sodium chlorid (NaCl)-----	173.7
Magnesium chlorid (MgCl ₂)-----	15.7
Magnesium sulphate (MgSO ₄)-----	41.8
Calcium sulphate (CaSO ₄)-----	48.4
Calcium bicarbonate (Ca(HCO ₃) ₂)-----	397.5
Ferrous bicarbonate (Fe(HCO ₃) ₂)-----	32.2
Manganous bicarbonate (Mn(HCO ₃) ₂)-----	7.1
Silica (SiO ₂)-----	15.8
	738.3

Artificially carbonated.

The contents of five bottles averaged 1 pint 9 fluid ounces.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements borne on the labels of the bottles falsely and fraudulently represented it as a remedy for alcoholism, chronic rheumatism, dyspepsia, diabetes, Bright's disease, albuminuria, dropsy, sciatica, and insomnia, when, in truth and in fact, it was not. Misbranding of the article was alleged 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. Misbranding of the article was alleged for the

further reason that the statements—to wit, “Ferro-Manganese,” “Regent Spring,” “Nature’s Remedy,” and “A Strong Chalybeate Water”—borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was a natural spring water, 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 a natural mineral spring water, whereas, in truth and in fact, it was not, but was an artificial carbonated water.

On December 23, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

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