

5913. Misbranding of spring water. U. S. * * * v. West Baden Springs Water Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 7814. I. S. No. 11359-1.)

On December 15, 1917, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment in the District Court of the United States for the district aforesaid against the West Baden Springs Water Co., a corporation, West Baden, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on November 24, 1915, from the State of Indiana into the State of Ohio, of a quantity of an article labeled in part, "West Baden Sprudel Spring Water," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Grams per liter.		Grams per liter.
Sulphuric acid (SO ₄).....	64. 64	Sodium chlorid (NaCl).....	2. 633
Carbonic acid (CO ₃).....	None.	Sodium sulphate (Na ₂ SO ₄).....	61. 467
Bicarbonic acid (HCO ₃).....	0. 177	Magnesium sulphate (MgSO ₄)....	27. 444
Chlorin (Cl).....	1. 597	Calcium sulphate (CaSO ₄).....	1. 665
Calcium (Ca).....	0. 548	Calcium bicarbonate (Ca(HCO ₃) ₂)	0. 235
Magnesium (Mg).....	5. 544		-
Potassium (K).....	}by difference..... 20. 938		
Sodium (Na).....			
Total.....	93. 444	Total.....	93. 444

Misbranding of the article was charged in the indictment for the reason that the statements borne on the labels of the bottles regarding the article and the ingredients and substances contained therein, to wit, "West Baden Sprudel Spring Water" and "Fortified with some of the natural products of the water from the famous West Baden Sprudel Spring No. 7," were false and misleading in that they represented that the article was genuine sprudel spring water and that it was fortified with some of the natural products of the water from the famous West Baden Sprudel Spring No. 7, whereas, in truth and in fact, it was not genuine sprudel spring water and was not fortified with some of the natural products of the water from the West Baden Sprudel Spring No. 7, but was a water other than genuine sprudel spring water and contained added salts not obtained from the West Baden Sprudel Spring No. 7. It was further charged in substance in the indictment that the article was misbranded for the reason that a certain statement appearing on its label falsely and fraudulently represented it to be effective as a treatment for all nutritional disturbances such as gout, rheumatism, diabetes, and obesity, whereas, in truth and in fact, it was not.

On January 9, 1918, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

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