

**3389. Misbranding of mineral water. U. S. v. 250 Cases, More or Less, of Mineral Water. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5591. I. S. No. 2200-h. S. No. 2116.)**

On February 14, 1914, the United States attorney for the Northern District of Illinois, 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 250 cases, more or less, of mineral water known as "Salvator Magnesia Spring Water," remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on January 31, 1914, by the Salvator Mineral Springs Co., Green Bay, Wis., and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "All Water Bottled at Springs. Salvator Magnesia Spring Water Medicinal. Highest award at the World's Columbian Exposition The Salvator Mineral Springs Company Green Bay, Wisconsin, U. S. A.

Prof. De La Fontaine's Analysis.

In one gallon.	Grains.
Chloride of sodium.....	1.6
Bi-carb of sodium.....	1.3
Bi-carb of calcium.....	20.00
Bi-carb of magnesium.....	17.6
Bi-carb of iron.....	1.3
Total.....	41.8

Bacteriologically Pure

	Wisconsin State Board of Health.	Parts per 100,000.
Total Residue.....		40.30
Mineral Residue.....		20.20
Volatile Residue.....		11.10

To which they add there is no evidence of organic pollution either vegetable or animal in this water A Specific for Diabetes, Bright's disease, Rheumatism. Gout and all diseases of the Stomach, Bladder, Liver and Heart. Natures own remedy. Recommended to be valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation, in diabetes and gout and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive and genital organs. Dr's G. M. Stables & Son "

Misbranding of the product was alleged in the libel for the reason that each of the bottles filled with the article of medicine or drug bore a label in words and figures as aforesaid, which said label borne upon each of the bottles was false and misleading in that the label aforesaid purported to state that the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water, was a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, whereas in truth and in fact the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water aforesaid, was not a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, nor a specific for any one or more of the said diseases. Misbranding was alleged for the further reason that said label, borne upon each of the bottles, contained a statement regarding the curative effect of such article of medicine or drug which was false and fraudulent in that the label aforesaid purported to state that the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water, was a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, whereas in truth and

in fact the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water aforesaid, was not a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, nor a specific for any one or more of the said diseases. Misbranding was alleged for the further reason that said label borne upon each of the bottles aforesaid contained a statement regarding the therapeutic effect of such article of medicine or drug which was false and fraudulent in that the said label purported to state that the article of medicine or drug was a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, whereas in truth and in fact it was not a specific for diabetes, Bright's disease, rheumatism, gout, and all diseases of the stomach, bladder, liver, and heart, nor a specific for any one or more of the said diseases. Misbranding was alleged for the further reason that said label borne upon each of the bottles aforesaid was false and fraudulent in that said label contained a statement regarding the curative effect of said article of medicine or drug which purported to state that the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water aforesaid, was valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation, in diabetes and gout, and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive, and genital organs, whereas in truth and in fact the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water aforesaid, was not valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation, in diabetes and gout, and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive, and genital organs, nor in any one of the said diseases, ailments, disorders, or affections. Misbranding was alleged for the further reason that the label borne upon each of the bottles aforesaid was false and fraudulent in that said label contained a statement regarding the therapeutic effect of said article of medicine or drug which purported to state that the article of medicine or drug, to wit, the Salvator magnesia spring water aforesaid, was valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation, in diabetes and gout, and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive, and genital organs, whereas in truth and in fact the article of medicine or drug aforesaid, to wit, the Salvator magnesia spring water, was not valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation, in diabetes and gout, and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive, and genital organs, nor in any one of the said diseases, ailments, disorders, or affections.

On March 25, 1914, the case having come on for final hearing upon the libel and the answer of the claimants herein, Charles J. Oberweiser, Frank A. Daniels, and Joseph L. Fitzgibbons, copartners, doing business under the name of The Salvator Mineral Springs Co., admitting all the material allegations in the libel, and the court having read and considered the same and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be surrendered and delivered to said claimants upon payment of the costs of the proceedings and the execution of a good and sufficient bond in the sum of \$2,000, in conformity with section 10 of the act, one of the conditions of the bond being that the claimants aforesaid should relabel each of the bottles so that there should be obliterated from said label appearing upon each of the bottles, and so that

there should not appear upon any new label placed upon each of the bottles, the words and figures as follows, to wit:

Prof. De La Fontaine's Analysis.

In one gallon	Grains
Chloride of sodium.....	1.6
Bi-carb of sodium.....	1.3
Bi-carb of calcium.....	20.00
Bi-carb of magnesium.....	17.6
Bi-carb of iron.....	1.3
Total.....	41.8

Bacteriologically Pure

Wisconsin State Board of Health.

	Parts per 100,000
Total Residue.....	40.30
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To which they add there is no evidence of organic pollution either vegetable or animal in this water. A Specific for Diabetes, Bright's disease, Rheumatism, Gout and all diseases of the Stomach, Bladder, Liver and Heart. Natures own remedy. Recommended to be valuable in dyspepsia, indigestion associated with undue acidity of the stomach, congestion of the liver accompanied by sluggish portal circulation in diabetes and gout and in all chronic catarrhal affections of the mucous membranes of the respiratory, digestive and genital organs. Drs. G. M. Stables & Son" and also that the word "medicinal" appearing immediately after the words "Salvator Magnesia Spring Water" and before the words "Highest award at the World's Columbian Exposition," borne upon the center portion of the label aforesaid, appearing upon each of the bottles aforesaid, should be obliterated, and so that the said label borne upon each of the bottles aforesaid, packed in the 230 cases aforesaid, when so modified by obliterating the portions hereinabove set forth, should contain the following words, together with the representations of the obverse and reverse sides of a certain medal of award granted to The Salvator Mineral Springs Company by the World's Columbian Exposition, and no other words, figures or representations of medals of award: "All Water Bottled at Springs. Salvator Magnesia Spring Water Highest award at the World's Columbian Exposition The Salvator Mineral Springs Company Green Bay, Wisconsin, U. S. A."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3390. Misbranding of coffee. U. S. v. 20 Sacks, More or Less, of Coffee. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5611. I. S. No. 7359-h. S. No. E. 1.)**

On March 5, 1914, the United States attorney for the Eastern District of Pennsylvania, 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 20 sacks, each containing approximately 120 pounds of an article of food purporting to be Maracaibo coffee, remaining unsold in the original unbroken packages at Philadelphia, Pa, alleging that the product had been shipped on or about January 31, 1914, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was invoiced as "20 Bags Maracaibo Coffee."