

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 94-99, FOOD AND DRUGS ACT.

- 94. Misbranding of water (Artificially lithiated water labeled as a natural product).
- 95. Misbranding of canned corn (Underweight).
- 96. Misbranding of a cereal (As to quality and digestive properties).
- 97. Misbranding of canned tomatoes (Underweight).
- 98. Adulteration and misbranding of syrup (As to presence of maple sugar).
- 99. Misbranding of syrup (As to place of manufacture and amount of maple sugar present).

(N. J. 94.)

MISBRANDING OF WATER.

(ARTIFICIALLY LITHIATED WATER LABELED AS A NATURAL PRODUCT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 21st day of December, 1908, in the police court of the District of Columbia, in a prosecution by the United States against Charles Jacobsen, trading under the name of the Arlington Bottling Company, for violation of sections 1 and 2 of the aforesaid act in the manufacture and sale in the District of Columbia of a misbranded water, that is to say, an artificially prepared water labeled and branded "Rock Spring Lithia," the said Charles Jacobsen having entered a plea of guilty to both offenses the court imposed upon him a fine of \$75 for the first offense and \$25 for the second.

The facts of the case were as follows:

On May 23, 1908, an inspector of the Department of Agriculture purchased from the Arlington Bottling Company, Washington, D. C., samples of water labeled "Rock Spring Lithia, Chas. Jacobsen, Sole Distributor, Washington, D. C.," and in addition there was on each label a pictorial representation of a woman drawing water from a spring. Previous to the purchase of these samples on May 23, 1908, an inspector visited the establishment of the Arlington Bottling Company and ascertained that the water contained in bottles bearing the label above set forth was manufactured in said establishment and was a distilled water artificially lithiated. It was evident that the water was misbranded in violation of section 8 of the act in that the label thereon clearly conveyed the impression that the article was a natural lithia water. Accordingly, on September 29, 1908, the facts were reported by the Secretary of Agriculture to the Attorney-General and the case

referred to the United States attorney for the District of Columbia, who forthwith filed an information against the said Charles Jacobsen, with the result hereinbefore stated.

H. W. WILEY,

F. L. DUNLAP,

Approved: *Board of Food and Drug Inspection.*

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *September 20, 1909.*

(N. J. 95.)

MISBRANDING OF CANNED CORN.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 6th day of February, 1909, in the district court of the United States for the western district of Kentucky, in a proceeding of libel under section 10 of the aforesaid act, for seizure and condemnation of 800 cases of canned corn, which were misbranded, in this, that each case was labeled and branded "2 dozen 2 lbs. Dana's Luscious Sugar Corn, packed by the Carthage Cannery, Carthage, Ind.," whereas the average gross weight of each can did not exceed 23 ounces, the F. T. Gunther Grocery Company, of Owensboro, Ky., consignee, having filed its claim to the goods, but declining to plead, and the case having come on for final hearing, a decree of forfeiture and condemnation was rendered by the court in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SIXTH CIRCUIT
AND WESTERN DISTRICT OF KENTUCKY, OWENSBORO, KY.

UNITED STATES OF AMERICA

vs.

EIGHT HUNDRED CASES OF CANNED CORN.

Came the libelant, United States, by counsel, came also the claimant, The F. T. Gunther Grocery Company, Incorporated, by its president, and by agreement this case is submitted to the court, and the claimant declining to plead further or offer proof, it is therefore adjudged that the articles described in the return of the marshal herein, to wit, four hundred and forty-one cases of canned corn, are condemned as forfeited to the United States according to the prayer of the libel.

And thereupon came the claimant, and moved the court to order that upon payment of the costs of the libel proceedings herein, and upon the execution and delivery of a good and sufficient bond, in the sum of five hundred dollars (\$500.00), that the words and characters "2 lbs." shall be erased from the original packages containing the goods seized herein, before the sale thereof, and