

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 876, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF OZONE VICHY WATER.

On or about May 31 and June 23, 1909, the Ozone Spring Water Company, Limited, a corporation, New Orleans, La., shipped from the State of Louisiana two consignments of a water labeled: (Principal label) “\* \* \* Etablissement Thermal de Vichy Ozone Sources Minerals (Picture) Copyrighted. Toute personne qui a recouvre la sante en buvant de l'eau Vichy Ozone aux Sources, ne devrai pas cesser l'usage de cette eau. \* \* \* (Various testimonials in French and German) Branch. Offices: New York, Washington, D. C., Pittsburg, Boston, Chicago, St. Louis, Detroit, Cincinnati, Louisville, Atlanta, Memphis, Mobile, Vicksburg, New Orleans.” (On inconspicuous sticker) “Artificial. This vichy is bottled by the Ozone Spring Water Co., Ltd., New Orleans, La., United States Department of Agriculture Serial No. 5438;” the former of said shipments being made from the State of Louisiana into the State of New York, and the latter from the State of Louisiana into the State of Kentucky. Analysis and bacteriological examination of samples of this product were made by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a domestic artificial water containing the B. coli group of organisms, indicating contamination of the product with fecal matter. As the findings of the analysts and reports thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Ozone Spring Water Company, Limited, and the parties from whom the samples were procured were afforded opportunities for hearing. As it appeared after hearings held that said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course two criminal informations were filed in the Circuit Court of the United States for the Eastern District of Louisiana against the said Ozone Spring Water Company, Limited, charging the shipments and alleging that the products were adulterated,

because they consisted of filthy, decomposed, and putrid substances, and that they were misbranded because the principal labels, both from their form and the foreign languages in which written, were such as to deceive and mislead the purchaser, since from the said labels the products purported to be of foreign origin, when in truth and in fact they were domestic products; because the products were designated as "Vichy," when in truth and in fact their composition did not correspond with the composition of real vichy; because the word "Ozone" used on the label was such as to indicate that ozone was a constituent part of the water, when in truth and in fact it was not; because the words used on the label: "Toute personne qui a recouvre la sante en buvant de l'eau Vichy Ozone aux Sources, ne devrai pas cesser l'usage de cette eau," were false, misleading, and deceptive, and were intended and calculated to convey, and did convey, the impression that the products were natural waters, when in truth and in fact they were artificial; because the label in question contained a list of a large number of branch offices, the statement of the existence of which offices was misleading as the offices do not exist; and because the aforesaid label appearing upon the neck of the bottle in which the product was contained, and the principal label, were both so devised and arranged as to color, method of printing, and wording, as to indicate that the water was a true vichy water, when in truth and in fact it was not, and so as to be an imitation of the label on the genuine Vichy and to convey the impression upon inspection of said bottles that the contents thereof were the true Vichy of foreign origin, which was contrary to fact.

Upon arraignment the defendant entered a plea of guilty to the above informations, whereupon the court imposed a fine of \$10 and costs in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1911.*

