

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1140.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TATE SPRING NATURAL MINERAL WATER.

On April 19, 1911, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Tate Spring Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about June 6, 1910, from the State of Tennessee into the State of Georgia of a quantity of mineral water which was adulterated and misbranded. The product was labeled: "Tate Spring Natural Mineral Water. East Tenn. The Carlsbad of America. Cures indigestion, dyspepsia, and all liver, kidney and bowel and malarial troubles. Especially recommended in the cure of dyspepsia, malaria, skin diseases, stomach, liver, bowel and kidney diseases. Analysis made in Mar. 1872 by T. S. Antezell, M. D., Prof. of Chemistry in National Med. Coll. and Chemist to U. S. Dept. of Agriculture. The volume and temperature of water are the same at all seasons and under all circumstances." The label bore the following analysis: Sulphuric acid, 130.37; lime, 81.12; magnesia, 10.99; iron peroxide, 1.00; manganese perox., traces; potash and soda, 5.90; chloride, 32.63; silica soluble, 27; phosphoric acid, .71; carbonic acid, 9.90; nitric, .02; total grs. in 1 gal., 272.91. Sulphate lime, 160.66; sulphate magnesia, 32.91; sulphate soda, 8.50; sulphate potash, 1.54, chloride sodium, 40.27; chloride iron, 2.99; chloride manganese, .62; iodide of soda, traces; potash lime, 1.14; carbonate lime, 21.56; silica, 2.70; nitric acid, .02; total grs. in 1 gal., 272.91.

Analyses of four of six samples of said product by the Bureau of Chemistry of the United States Department of Agriculture showed *B. coli* in 1 cc quantities, and in one instance in 0.1 cc; that the analysis appearing on the label was not correct, and that said water did not contain ingredients that would justify the therapeutic claims made for it. Adulteration was alleged because said product consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance. Misbranding was alleged because of the

false and misleading statements as to the therapeutic or curative properties claimed on the label for said water, when, in fact, the said water was without therapeutic efficacy for the disease mentioned in the label, and because the analysis stated on the label was incorrect.

On June 3, 1911, the defendant pleaded guilty and was fined \$50 and costs. The following order was entered: "Came the United States Attorney and came also the Tate Spring Co. and Oscar R. Tomlinson, and for plea to the information filed against them in this cause say they are guilty in manner and form as charged therein. Whereupon it is considered and adjudged by the court that for their said offense the said defendant Tate Spring Company pay a fine of Fifty-Dollars (\$50.00) and all the costs of the cause for which let execution issue. The U. S. Attorney not praying judgment against the individual defendant, Oscar R. Tomlinson, this judgment of fine will not operate as to him. The amount of the fine in this cause was fixed by the court at \$50, because it appeared to the court that the sanitary conditions surrounding the spring of the defendant company, causing the adulteration which constituted the default of said defendant in violation of the law, have been remedied by said defendant and that the analysis of the water of said spring shipped by them as alleged in the information, has been corrected to meet the requirements of the government and that their said default was not due to any deliberate or intentional violation of or wanton neglect of the provisions of the statute."

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 28, 1911.*