

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2585.

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

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**U. S. v. Berry Spring Lithia Water Co. Plea of nolo contendere. Fine, \$20 and costs.**

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### MISBRANDING OF LITHIA WATER.

On November 23, 1912, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District an information against the Berry Spring Lithia Water Co., a corporation, Providence, R. I., alleging shipment by said company, in violation of the Food and Drugs Act, on March 18, 1912, from the State of Rhode Island into the State of Connecticut of a quantity of so-called lithia water which was misbranded. The product was labeled: "Berry Spring Lithia Water—This bottle should be laid on its side in a cool place—This bottle contains pure lithia—an excellent table water—Put up by the Berry Spring Lithia Water Co., Pawtucket, R. I., U. S. A." "Berry Spring."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Ions (mg per liter): Phosphoric acid ( $\text{PO}_4$ ), 0.0; metaboric acid ( $\text{BO}_2$ ), 0.0; arsenic acid ( $\text{AsO}_4$ ), 0.0; silica ( $\text{SiO}_2$ ), 8.0; sulphuric acid ( $\text{SO}_4$ ), 94.1; bicarbonic acid ( $\text{HCO}_3$ ), 621.9; nitric acid ( $\text{NO}_3$ ), 11.3; nitrous acid ( $\text{NO}_2$ ), 0.2; chlorin (Cl), 635.4; bromin (Br), 0.0; iodine (I), 0.0; iron (Fe) and aluminum (Al), 0.3; manganese (Mn), 0.0; calcium (Ca), 7.1; magnesium (Mg), 1.6; potassium (K), 6.2; sodium (Na), 660.0; lithium (Li), 6.4; strontium (Sr), 0.0; oxygen (calculated) (O), 0.2. Hypothetical combinations (mg per liter): Lithium chlorid ( $\text{LiCl}$ ), 38.8; potassium chlorid ( $\text{KCl}$ ), 11.8; sodium nitrate ( $\text{NaNO}_3$ ), 15.5; sodium nitrite ( $\text{NaNO}_2$ ), 0.3; sodium chlorid ( $\text{NaCl}$ ), 984.8; sodium sulphate ( $\text{Na}_2\text{SO}_4$ ), 139.2; sodium bicarbonate ( $\text{NaHCO}_3$ ), 815.5; magnesium bicarbonate ( $\text{Mg}(\text{HCO}_3)_2$ ), 9.6; calcium bicarbonate ( $\text{Ca}(\text{HCO}_3)_2$ ), 28.7; ferric oxid ( $\text{Fe}_2\text{O}_3$ ) and alumina ( $\text{Al}_2\text{O}_3$ ), 0.5; silica ( $\text{SiO}_2$ ), 8.0. Sanitary analysis (mg

per liter): Nitrogen as nitrites, 0.057; nitrogen as nitrates, 2.55; residue at 110° C., 1773; residue at 180° C., 1734; residue ignited, 1711. Misbranding of the product was alleged in the information for the reason that it was labeled as set forth above, and purported by said labels to be a natural lithia water, without additions or abstractions, and not to be an artificially prepared mineral water, whereas, in truth and in fact, it was not a natural lithia water without additions or abstractions but there had been added to said water, as taken from said Berry Spring, lithium salt, sodium chlorid, sodium bicarbonate, sodium sulphate, and carbon dioxid, and it was an artificially prepared mineral water because of the addition of said substances, and said label bore a statement regarding the substance which was false and misleading in the particulars aforesaid.

On April 12, 1913, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$20, with costs of \$17.51.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 12, 1913.*

2585

