

**4733. Misbranding of "Gray Mineral Water." U. S. \* \* \* v. William Baird, et al. (William Baird & Son). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 7202. I. S. No. 2101-k.)**

On June 1, 1916, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Baird and William A. Baird, trading as William Baird & Son, Cambridge Springs, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about November 28, 1914, from the State of Pennsylvania into the State of New York, of a quantity of "Gray Mineral Water" which was misbranded. The article was labeled: (Main label) "Gray Mineral Water Nature's Own Cure For all diseases of the Stomach, Liver, Bowels, Kidneys and Urinary Organs. Also Rheumatism, Neuralgia, Gout, Nervous Disorders, etc. etc. A General Tonic-Drink one or two glasses thirty minutes before breakfast, and two or more midway between meals. A glass or two taken before retiring induces sleep. America's Choicest Table Water unequaled in its Crystal Clearness, Pleasant Taste and Absolute Purity. Develops the Bouquet of Wines & Liquors. Bottled at the Spring Cambridge Springs, Pa. by Wm. Baird." (Trade Mark) "W. G. Lay this Bottle on its side in a cool place." (Neck label) "Hotel Riverside. In connection with the Spring. First-Class Accommodations for Four Hundred Guests. Open the year round. A delightful Home for Convalescents and all in search of health, recreation or rest. Steam Heat, Electric Lights Mineral Water flowing in Hotel Office. Send for Catalogue. Perfect Bath Apartments within Hotel Building. All kinds of Baths given in the Mineral Water by Expert Attendants. Livery Service Unsurpassed. Boating and Driving the finest. Good Shooting and Fishing in Season. Climate Healthful. Elevation 1300 feet above Sea level."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as milligrams per liter:

Ions:

Sulphuric acid ( $\text{SO}_4$ )	0.7
Carbonic acid ( $\text{CO}_3$ )	0.0
Bicarbonic acid ( $\text{HCO}_3$ )	229.5
Nitric acid ( $\text{NO}_3$ )	0.4
Nitrous acid ( $\text{NO}_2$ )	0.0
Chlorin ( $\text{Cl}$ )	80.0
Iron ( $\text{Fe}$ ): Low, no sediment.	
Calcium ( $\text{Ca}$ )	10.6
Magnesium ( $\text{Mg}$ )	2.4
Sodium ( $\text{Na}$ )	121.8
Potassium ( $\text{K}$ )	
Ammonium ( $\text{NH}_4$ )	0.3
Total	445.7

Hypothetical combinations:

Ammonium chlorid ( $\text{NH}_4\text{Cl}$ )	0.9
Sodium nitrate ( $\text{NaNO}_3$ )	0.6
Sodium chlorid ( $\text{NaCl}$ )	130.9
Sodium sulphate ( $\text{Na}_2\text{SO}_4$ )	1.1
Sodium bicarbonate ( $\text{NaHCO}_3$ )	254.8
Magnesium bicarbonate ( $\text{Mg}(\text{HCO}_3)_2$ )	14.5
Calcium bicarbonate ( $\text{Ca}(\text{HCO}_3)_2$ )	42.9
Total	445.7

Pressure (one bottle), 23 pounds per square inch.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, "Nature's own cure. For all diseases of the Stomach, Liver, Bowels, Kidneys and Urinary Organs. Also Rheumatism, Neuralgia, Gout, Nervous Disorders, Etc. \* \* \*," were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for all diseases of the stomach, liver, bowels, kidneys and urinary organs, rheumatism, neuralgia, gout, and nervous disorders, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

Misbranding was alleged for the further reason that the following statements regarding the article and the ingredients and substances contained therein appearing on the label aforesaid, to wit, "Gray Mineral Water \* \* \* America's choicest table water unequaled in its crystal clearness, pleasant taste and absolute purity," were false and misleading in that they indicated to purchasers thereof that the article consisted of natural mineral water, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted of natural mineral water, when, in truth and in fact, it did not, but did consist of artificially carbonated mineral water.

Misbranding was alleged for the further reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Gray Mineral Water \* \* \* Bottled at the Spring. \* \* \*," were false and misleading in that they indicated to purchasers thereof that the article was derived from and bottled at Gray Mineral Spring, located at what is known as the Gray Farm, Cambridge Springs, Pa., and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article was derived from and bottled at Gray Mineral Spring, as aforesaid, when, in truth and in fact, it was not.

Misbranding was alleged for the further reason that the article consisted of food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On June 1, 1916, a plea of guilty was entered on behalf of the defendants, and the court imposed a fine of \$20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*