

5629. Misbranding of "Hamby's Genuine Dawson Springs Water Concentrated." U. S. \* \* \* v. The Dawson Salts & Water Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 7205. I. S. No. 5771-h.)

On May 5, 1916, the United States attorney for the Western District of Kentucky, 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 Dawson Salts & Water Co., a corporation, Dawson Springs, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 22, 1914, from the State of Kentucky into the State of Missouri, of a quantity of an article labeled in part, "Hamby's Genuine Dawson Springs Water Concentrated," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ions:	Gram per liter.
Sulphuric acid ( $\text{SO}_4$ )	100.00
Bicarbonate acid ( $\text{HCO}_3$ )	0.20
Nitric acid ( $\text{NO}_3$ )	0.19
Chlorin ( $\text{Cl}$ )	0.22
Iron ( $\text{Fe}$ )	0.00
Calcium ( $\text{Ca}$ )	0.56
Magnesium ( $\text{Mg}$ )	19.14
Sodium ( $\text{Na}$ ) by difference	11.32
Total	131.63
Hypothetical combinations:	
Sodium nitrate ( $\text{NaNO}_3$ )	0.26
Sodium chlorid ( $\text{NaCl}$ )	0.35
Sodium sulphate ( $\text{Na}_2\text{SO}_4$ )	34.32
Magnesium sulphate ( $\text{MgSO}_4$ )	94.76
Calcium sulphate ( $\text{CaSO}_4$ )	1.70
Calcium bicarbonate ( $\text{Ca}(\text{HCO}_3)_2$ )	0.24
Total	131.63

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a remedy for all diseases of the liver, kidneys, stomach, and bowels; as a cure for dropsy, indigestion, dyspepsia, Bright's disease, rheumatism, gall stones, piles, and female troubles; as a remedy for all bilious diseases, fever and ague, dysentery of a bilious type, eczema, obstructed menstruation, all diseases arising from an inactive liver and kidneys, all liver and kidney troubles, and malarial diseases, when, in truth and in fact, it was not; and for the further reason that certain statements appearing in the booklet accompanying the article falsely and fraudulently represented it as a cure for jaundice, appendicitis, nephritis, Bright's disease, dilation of the stomach, gastritis or catarrh of the stomach, duodenitis or catarrh of the bowels, cystitis or catarrh of the bladder, dysentery or catarrh of the larger intestines, neurasthenia, chronic eczema, rheumatism, gout or gouty rheumatism, renal, cystic, or biliary calculi, stone in the kidney, bladder, or bile ducts, blood diseases, and every trouble arising from the stomach, liver, and kidneys; diabetes, albuminuria, and glycosuria, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements appearing on the label, regarding the article and the ingredients and substances contained therein, to wit, (on bottle) "Hamby's Genuine Dawson Springs

Water Concentrated \* \* \* (on carton) The Genuine Concentrated Dawson Springs Water \* \* \* This remedy is \* \* \* simply a medicinal water in a concentrated form obtained by concentrating the water from Hamby's Salts, Iron, and Lithia Well. \* \* \* This water when diluted will have the same effect upon the system as the original water, \* \* \*," were false and misleading in that they indicated to purchasers thereof that it consisted wholly of concentrated mineral spring water obtained by concentrating the water of Dawson Springs, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it consisted wholly of concentrated mineral spring water obtained by concentrating the water of Dawson Springs, when, in truth and in fact, it did not, but consisted of, to wit, a mixture of concentrated mineral spring water obtained by concentrating the water of Dawson Springs and added sodium and magnesium sulphate; and for the further reason that the statements regarding the article and the ingredients and substances contained therein appearing on the label of the carton, to wit,

*"Analysis of Genuine Dawson Springs Water Concentrated.*

	Grains per U. S. gallon.
Silicic acid.....	2.6
Bicarbonate of iron.....	55.6
Oxid of aluminum.....	2.3
Calcium sulphate.....	1,483.6
Sodium chlorid.....	74.6
Magnesium sulphate.....	5,167.3
Bicarbonate of calcium.....	368.8
Sodium sulphate.....	3,324.5
Sodium phosphate.....	42.7
Potassium sulphate.....	1,266.7
Manganese bicarbonate.....	28.1
Sodium bicarbonate.....	42.3
Calcium nitrate.....	51.0
Lithium bicarbonate.....	Heavy Trace.
Sodium bromid.....	Heavy Trace.
Sodium borate.....	Trace.
Organic matter.....	None.
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	11,910.1 "

were false and misleading in that they indicated to purchasers thereof that the article contained per gallon, among other ingredients, 55.6 grains bicarbonate of iron, 1,483.6 grains calcium sulphate, 74.6 grains sodium chlorid, 5,167.3 grains magnesium sulphate, 368.8 grains bicarbonate of calcium, 3,324.5 grains sodium sulphate, 42.3 grains sodium bicarbonate, 51.0 grains calcium nitrate, heavy traces of lithium bicarbonate and sodium bromid, and a trace of sodium borate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it contained among other ingredients the aforementioned substances in the quantities indicated, when, in truth and in fact, it contained more magnesium sulphate, less bicarbonate of iron, calcium sulphate, sodium chlorid, bicarbonate of calcium, sodium sulphate, and calcium nitrate, and no sodium bicarbonate, lithium bicarbonate, sodium borate, and sodium bromid.

On November 27, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*