

**3583. Misbranding of Allouez mineral water. U. S. v. Allouez Mineral Spring Co. Plea of guilty. Fine, \$10.** (F. & D. No. 5632. I. S. Nos. 3122-e, 17098-d.)

On September 28, 1914, the United States attorney for the Eastern District of Wisconsin, 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 Allouez Mineral Spring Co., a corporation, Green Bay, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 10, 1912, from the State of Wisconsin into the State of New York, of a quantity of Allouez mineral water which was misbranded. The product was labeled: "Sparkling saline Bottled only at the spring Carbonic artificial Allouez Mineral Water Highest awards Paris and St. Louis. Every genuine label bears the signature of Joseph P. Hoeffel, Pres't. Guaranteed by the Allouez Mineral Spring Co. Green Bay, Wis. U. S. A. Under the Food and Drugs Act, June 30, 1906, Serial No. 1274." (Separate label) "Allouez."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained added sodium chlorid.

Misbranding of the product was alleged in the information for the reason that the statements "Bottled only at the spring Carbonic artificial Allouez Mineral Water," borne on the labels on the bottles in which said article was shipped and delivered for shipment, as aforesaid, were false and misleading because they were calculated to mislead and deceive the purchaser into the belief that said article was genuine Allouez mineral spring water bottled in the identical condition in which it was taken from the spring with the addition only of carbonic acid gas, whereas, in truth and in fact, said water was not Allouez mineral spring water bottled in the same condition in which it was taken from the spring with the addition of carbonic acid gas, but was a mineral spring water of a different type and quality from the genuine Allouez mineral spring water, in that it contained considerably more sodium chlorid than genuine Allouez mineral spring water as such water is taken from the spring. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser into the belief that it was genuine Allouez mineral spring water, artificially carbonated, in the identical condition in which it was taken from the spring without the addition of any other ingredients, whereas, in truth and in fact, said water was not genuine Allouez mineral spring water in the identical condition in which it was taken from the spring, but was a water containing in addition to the normal ingredients of genuine Allouez mineral spring water a considerable quantity of sodium chlorid.

On October 16, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1915.*