

**4428. Adulteration and misbranding of lemon soda. U. S. \* \* \* v. Coyote Springs Mineral Water Co. Plea of guilty to two counts of information charging adulteration and misbranding of lemon soda. Fine, \$50 and costs. Four counts of information charging adulteration and misbranding of other products dismissed. (F. & D. No. 6362. I. S. Nos. 9394-h, 9395-h, 9396-h.)**

On July 10, 1915, the United States attorney for the District of New Mexico, 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 Coyote Springs Mineral Water Co., a corporation, Albuquerque, N. Mex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 5, 1914, from the State of New Mexico into the State of Arizona, of a quantity of lemon soda which was adulterated and misbranded. The article was labeled: "Delicious and Refreshing Lemon Soda This Bottle Thoroughly Sterilized Put up by Coyote Springs Mineral Water Company Albuquerque, N M. Artificially Flavored and Sweetened."

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

|   |        |
|---|--------|
| Total solids (grams per 100 cc)-----  | 2.00   |
| Nonsugar solids (gram per 100 cc)-----  | 0.132  |
| Reducing sugar (gram per 100 cc)-----   | 0.395  |
| Sucrose (grams per 100 cc)-----   | 1.473  |
| Ash (gram per 100 cc)-----  | 0.044  |
| Alkalinity of ash (cc N/10 acid per 100 cc)-----                              | 4.80   |
| Phosphoric anhydrid: Trace.   |        |
| Esters as ethyl acetate (gram per 100 cc)-----                                | 0.0053 |
| Test for saccharin by taste and transformation into salicylic acid: Positive. |        |
| Test for citral: Not clearly positive.  |        |
| Saccharin by extraction (milligrams per 100 cc)-----                          | 17.00  |
| Taste and odor indicate the absence of lemon products.                        |        |

This preparation is apparently carbonated water, sweetened and flavored artificially.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, saccharin, had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength; and further, in that a carbonated solution of saccharin and sugar, flavored with artificial esters, had been substituted, wholly or in part, for lemon soda, which the article purported to be; and further, in that the article contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Lemon Soda," borne on the label of the article, was false and misleading in that it represented that the article was lemon soda, and was such as to mislead and deceive the purchaser into the belief that it was lemon soda, whereas, in truth and in fact, it was not lemon soda, but was a carbonated solution of saccharin and sugar, artificially flavored in imitation of lemon soda.

On July 21, 1915, the defendant company entered a plea of guilty to counts one and two of the information, and the court imposed a fine of \$50 and costs.

Counts three, four, five, and six of the information, charging adulteration and misbranding of other products, were dismissed.

CARL VROOMAN, *Acting Secretary of Agriculture.*