

5100. Adulteration and misbranding of "Hampton Springs Water." U. S. * * * v. Hampton Springs Co., a corporation. Plea of not guilty. Tried to the court and a jury. Verdict of guilty. Fine, \$100. (F. & D. No. 7349. I. S. No. 4016-k.)

On July 12, 1916, the United States attorney for the Northern District of Florida, 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 Hampton Springs Co., a corporation, Hampton Springs, Fla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about July 14, 1915, from the State of Florida into the State of Georgia, of a quantity of an article labeled in part, "Hampton Springs Water," which was adulterated and misbranded.

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

IONS.

| | Mgs. per liter. |
|--|-----------------|
| Sulphuric acid (SO ₄)----- | 398. 0 |
| Bicarbonic acid (HCO ₃)----- | 328. 0 |
| Nitric acid (NO ₃)----- | 0. 3 |
| Chlorin (Cl)----- | 7. 0 |
| Calcium (Ca)----- | 159. 2 |
| Magnesium (Mg)----- | 68. 4 |
| Potassium (K) and Sodium (Na) by difference----- | 6. 7 |
| | 967. 6 |

HYPOTHETICAL COMBINATIONS.

| | Mgs. per liter. |
|--|-----------------|
| Sodium nitrate (NaNO ₃)----- | 0. 4 |
| Sodium chlorid (NaCl)----- | 11. 5 |
| Sodium sulphate (Na ₂ SO ₄)----- | 6. 5 |
| Magnesium sulphate (MgSO ₄)----- | 338. 6 |
| Calcium sulphate (CaSO ₄)----- | 174. 9 |
| Calcium bicarbonate (Ca(HCO ₃) ₂)----- | 435. 7 |
| | 967. 6 |

| | Mgs. per liter. | |
|---------------------------|------------------|------------------|
| | Bottle No. 1. | Bottle No. 2. |
| Ammonia, free----- | 0. 102 | 0. 066 |
| Ammonia, albuminoid----- | 0. 160 | 0. 134 |
| Nitrogen as nitrites----- | None | 0. 050 |
| Nitrogen as nitrates----- | 0. 06 | 0. 06 |
| Residue ignited: Darkens. | | |

Bacteriological examination showed high bacterial counts, and excessive number of organisms of the B. coli group indicating that the water contained filth.

Adulteration of the article was alleged in the first count of the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

It was charged in substance in the second count of the information that the article was misbranded for the reason that the statements appearing on the label falsely and fraudulently represented it as a treatment for indigestion, rheuma-

tism, dyspepsia, and stomach, liver, skin, kidney, and bladder troubles, when, in truth and in fact, it was not. Misbranding was alleged in the third count of the information for the reason that it 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 January 4, 1917, the defendant company entered a plea of not guilty to the information, and on January 5, 1917, the case was brought to trial before the court and a jury. After the submission of evidence, arguments by counsel, and the charge of the court, the jury retired, and after due deliberation returned a verdict of guilty as to counts 1 and 3 of the information and not guilty as to count 2. The court thereupon sentenced the defendant company to pay a fine of \$100.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*