

# Bottling Nature's Elixir: The Mountain Valley Spring Water Company, Environment, Health, and Capitalism

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“Taking the cure” was all the rage when spring water was “man’s first medicine,” and others hadn’t been invented. Along came biotics and antibiotics, and spas became ghost towns. But not for long. Somebody started a swing back to Mother Nature. You ate natural food, joined a gym, jogged at dawn. A new generation dashed for the spas. Today they’re more popular than ever. “Taking the cure” never had it so good.

—*The Spring*, a brochure published by Mountain Valley Water (1985)<sup>1</sup>

AS ITS NAME IMPLIES, HOT SPRINGS, ARKANSAS, is a city renowned for a somewhat unusual geological quirk. Natural springs bubble up in the area, and they seem to have drawn humans to the region long before recorded history. Historian Dee Brown helped spread a powerful and popular legend when he stated that American Indian groups came for sweatbaths, believing so much in the area’s healthfulness that they made the valley a neutral ground, permanently burying “the war hatchet . . . between

<sup>1</sup>*The Spring* (Hot Springs: Mountain Valley Water, 1985), 5, 21, vertical file: Mountain Valley Water, Garland County Historical Society, Hot Springs, AR [hereinafter GCHS].

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the green mountains.” That same vein of folklore suggests Hernando de Soto surveyed the springs in 1541 and noted those healthful features with amazement. Euro-Americans settled the area in the nineteenth century, and, in 1832, President Andrew Jackson signed into law an act that preserved the area as federal land—the springs were seemingly too important to be owned by any private citizen.<sup>2</sup> Near these springs, the Mountain Valley Spring Water Company, the nation’s first firm to sell bottled water coast-to-coast, was born in 1871.

Mountain Valley leveraged its spring water’s putative natural purity as a core advertising strategy not only because it believed in the water’s health benefits, but, more importantly, because doing so represented a prescription for a healthy bottom line. In this case, the profit motive caused a business to value natural purity (or at least the perception of it), work to preserve that purity, and adopt reverence of the natural world as a company identity to be advertised to the public. Marketing unadulterated spring water as good for the body was, thus, also good for business.<sup>3</sup> Hot Springs developed a significant reputation for being a healthy place because of its natural spring waters, and Mountain Valley tapped into that perception. In doing so, however, like many individuals and businesses who have peddled various “miracle cures,” the company made a variety of claims that ranged from the fanciful to the patently fraudulent. But, as with many vendors of patent medicines, Mountain Valley was not necessarily trying to swindle people out of their money but instead looking for the most effective way to market a product that they believed, at times with scientific backing, truly had medicinal or, at least, healthful properties.<sup>4</sup> Hawkers of

<sup>2</sup>Dee Brown, *The American Spa: Hot Springs, Arkansas* (Little Rock: Rose Publishing Company, 1982), 5, 9-11 [quotation, p. 9]. Former Hot Springs National Park ranger Mark Blauer notes, “Scholarly research has found no evidence for the Hernando de Soto expedition being in Hot Springs, Arkansas.” He speculates this folklore developed after a booster used an embellished French-language version of the de Soto narratives to draw attention to the area. The passage most frequently cited to support de Soto’s presence in Hot Springs does not appear in the original Spanish-language text. Though American Indians surely inhabited the area, documentary evidence does not verify their presence until more than a century after de Soto’s expedition. Mark Blauer, *Didn’t All the Indians Come Here? Separating Fact from Fiction at Hot Springs National Park* (Fort Washington, PA: Eastern National, 2007), 25-29. For the law preserving the area’s springs, see Twenty-Second Congress, Session 1, Chapter 70: “An Act authorizing the governor of the territory of Arkansas to lease the salt springs, in said territory, for other purposes,” *The Public Statutes at Large of the United States of America, from the Organization of the Government in 1789, to March 3 1845*, vol. 4, ed. Richard Peters, Esq. (Boston: Charles C. Little and James Brown, 1850), 505.

<sup>3</sup>On issues of purity in bottled water, see Richard Wilk, “Bottled Water: The Pure Commodity in the Age of Branding,” *Journal of Consumer Culture* 6 (November 2006): 305-306, 309-311.

<sup>4</sup>Writing about eighteenth-century Britain, historian Alan Mackintosh has shown that while patent medicines have quite a poor reputation, there exists little evidence they were less effective than the era’s orthodox cures. Mackintosh argues, “most of those involved with patent medicines were not the ‘quacks’ of previous reports, but tradesmen and others who were engaged in making and distributing a popular consumer product—just like the many other Georgian tradesmen who produced a growing

fanciful medicines might, in many cases, be best understood, as historian Roy Porter has argued, less as “quacks” and more as “zealots: if we are to speak of delusion, it is primarily self-delusion.”<sup>5</sup>

Mountain Valley’s health claims offer a window into what has been perceived as “healthy” over time. Notions of healthfulness, medicine, and healing have distinct temporal, cultural, and geographical contexts that deserve attention.<sup>6</sup> Because the company has continuously advertised for over a century, even as conceptions of human health changed dramatically, its promotional materials demonstrate evolving popular understandings of health, the natural world, and their connection to business. At first, Mountain Valley marketed its product by asserting it could cure a variety of ailments. Over time, though, the company shifted away from notions of healing the sick and instead concentrated on how the water could support a healthy lifestyle through natural means.

In the nineteenth-century United States, constructions of health rested upon the idea that human bodies were in constant interaction with the natural world, with diseases being associated with the physical environment in which a body was situated (such as one in which “miasmas” were present), rather than the body’s interaction with microorganisms, as in germ theory.<sup>7</sup> Historians have noted that mineral spring waters and spas played a role in how humans envisioned the environment-body connection even before this. Vaughn Scribner has demonstrated how colonial American settlers transformed mineral spas from “savage” places most associated with American Indians into “civilized” bastions of health where their co-

range of consumer products for sale across England.” Alan Mackintosh, *The Patent Medicines Industry in Georgian England: Constructing the Market by the Potency of Print* (New York: Palgrave Macmillan, 2018), v.

<sup>5</sup>Roy Porter, *Health for Sale: Quackery in England, 1660-1850* (Manchester: Manchester University Press, 1989), vi. For a history of advertising and images related to quackery, see Roy Porter, *Quacks: Fakers and Charlatans in Medicine* (Stroud, UK: Tempus, 2003).

<sup>6</sup>Robert N. Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge, MA: Harvard University Press, 1988); Robert N. Proctor, *Value-Free Science? Purity and Power in Modern Knowledge* (Cambridge, MA: Harvard University Press, 1991).

<sup>7</sup>Linda Nash, *Inescapable Ecologies: A History of Environment, Disease, and Knowledge* (Berkeley: University of California Press, 2006), 17-18, 44-45, 49. The germ theory of medicine did not develop until the later nineteenth century, largely in response to cholera; Charles E. Rosenberg, *The Cholera Years: The United States in 1832, 1849, and 1866* (Chicago: University of Chicago Press, 1962). On the interplay between health and environment, see, also, Susan E. Cayleff, *Nature’s Path: A History of Naturopathic Healing in America* (Baltimore: Johns Hopkins University Press, 2016); Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945-1980* (Chapel Hill: University of North Carolina Press, 1995); Paul Kelton, *Epidemics and Enslavement: Biological Catastrophe in the Native Southeast, 1492-1715* (Lincoln: University of Nebraska Press, 2007).

lonialist mission could extend beyond domination of native peoples and the natural world to control over the human body.<sup>8</sup>

Other historians have varyingly shown how mineral springs played a role in U.S. expansionism, helped define and entrench antebellum southern class, race, and gender hierarchies, and even offered evidence that a business had transitioned to modern technology and lifestyles.<sup>9</sup> But previous works have not examined natural springs through the lens of environment and capitalism, understood here as a profit-seeking economic mindset particularly based in exploitation of the natural world.<sup>10</sup> Surely, scholars have understood selling springs and spring water has been an important business over the past few centuries, but they have been less attentive to how treating water as a commodity reflected changing understandings of the human body and the natural world.<sup>11</sup>

Historian Jennifer Price's examination of the Nature Company probably provides the most useful intellectual model for this essay. She notes that the business spoke two languages—"the language of 'authenticity' and 'uniqueness,' and the language of profits." By marketing a supposedly authentic natural experience, the business was able to transform consumers' emotional connection to the natural world into an effective business

<sup>8</sup>Vaughn Scribner, "'The happy effects of these waters': Colonial American Mineral Spas and the British Civilizing Mission," *Early American Studies: An Interdisciplinary Journal* 14 (Summer 2016): 409-449.

<sup>9</sup>Conevery Bolton Valenčius, *The Health of the Country: How American Settlers Understood Themselves and Their Land* (New York: Basic Books, 2002), 152-157; Charlene M. Boyer Lewis, *Ladies and Gentlemen on Display: Planter Society at the Virginia Springs, 1790-1860* (Charlottesville: University Press of Virginia, 2001); Carolyn Thomas de la Peña, "Recharging at the Fordyce: Confronting the Machine and Nature in the Modern Bath," *Technology and Culture* 40 (October 1999): 746-769; Loring Bullard, *Healing Waters: Missouri's Historic Mineral Springs and Spas* (Columbia: University of Missouri Press, 2004), especially chap. 12.

<sup>10</sup>Historian Donald Worster, in his seminal *Dust Bowl*, forcefully contended that "[c]apitalism . . . has been the decisive factor in [the United States'] use of nature"; Donald Worster, *Dust Bowl: The Southern Plains in the 1930s* (New York: Oxford University Press, 1979), 5. For other works on capitalism and nature, see William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983); Arthur F. McEvoy, *The Fisherman's Problem: Ecology and Law in the California Fisheries, 1850-1980* (New York: Cambridge University Press, 1986); William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991); Mike Davis, *Late Victorian Holoocausts: El Niño Famines and the Making of the Third World* (Brooklyn: Verso, 2001); Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge, MA: Harvard University Press, 2008); Adam Rome, "Fashion Forward? Reflections on the Environmental History of Style," *Environmental History* 23 (July 2018): 545-566.

<sup>11</sup>On bottled water, see Francis H. Chappelle, *Wellsprings: A Natural History of Bottled Spring Waters* (New Brunswick: Rutgers University Press, 2005); Philip E. LaMoreaux and Judy T. Tanner, eds., *Springs and Bottled Waters of the World: Ancient History, Source, Occurrence, Quality and Use* (New York: Springer, 2001). On cold water cures as a "means through which personal change would inspire societal reformation," see Susan E. Cayleff, *Wash and Be Healed: The Water-Cure Movement and Women's Health* (Philadelphia: Temple University Press, 1987), 18.

model and healthy profits.<sup>12</sup> Most studies of capitalism and the environment are narratives of declension, chronicling a seemingly inevitable slide toward the degradation of landscapes (and, frequently, human bodies).<sup>13</sup> This article, by contrast, understands capitalism as a system that produces mindsets willing to treat the environment in whatever way is necessary to make a profit. As many historians have demonstrated, stripping the natural world of its essence and lifeblood has often been the most expedient path to wealth.<sup>14</sup> Yet, sometimes, the most profit is to be made from a protected, unadulterated natural world, and from advertising that untrammelled natural quality. As recently as November 2018, the Mountain Valley website announced:

We've protected this wild and stunning land and the sacred source that flows beneath it since we discovered it in 1871. And we will never stop. . . . And we've dedicated our lives to preserving it, to keep it flowing, and ensuring all of our access to its clean pure goodness. Our humble respect and gratitude to this majestic place is immeasurable. We are dedicated to every pristine tree, rock, and flower that grows here, and the precious wildlife that inhabits it.<sup>15</sup>

Mountain Valley can, thus, serve as a case study to show how capitalism can, on occasion, cause humans to value and work toward keeping the natural environment unpolluted and untrammelled.

Hot Springs and its waters can be considered a socio-natural site, as defined by Gertrud Haidvogel and her colleagues in their study of Vienna, meaning that a co-development of environment, city, and the medical profession occurred there.<sup>16</sup> Originally called Thermopolis or Warm Springs,

<sup>12</sup>Jennifer Price, "Looking for Nature at the Mall: A Field Guide to the Nature Company," in *Uncommon Ground: Rethinking the Human Place in Nature*, ed. William Cronon (New York: W. W. Norton, 1996), 196, 201. See, also, Bartow J. Elmore, *Citizen Coke: The Making of Coca-Cola Capitalism* (New York: W. W. Norton, 2014).

<sup>13</sup>Historian Paul Sutter has noted that, to this day, "environmental historians retain a foundational interest in the power of capitalism to transform the natural world"; Paul S. Sutter, "The World with Us: The State of American Environmental History," *Journal of American History* 100 (June 2013): 95.

<sup>14</sup>Especially see Worster, *Dust Bowl*, where he argued that pursuit of profits led to the book's eponymous disaster.

<sup>15</sup>"Our Story," Mountain Valley Spring Water, [www.mountainvalleyspring.com/about-the-source/#preserve](http://www.mountainvalleyspring.com/about-the-source/#preserve) (accessed December 7, 2018). Permanent link available at <https://perma.cc/VJ33-PRG4>.

<sup>16</sup>Gertrud Haidvogel, Verena Winiwarter, Gert Dressel, Sylvia Gierlinger, Friedrich Hauer, Severin Hohensinner, Gudrun Pollack, Christina Spitzbart-Glasl, and Erich Raith, "Urban Waters and the Development of Vienna between 1683 and 1910," *Environmental History* 23 (November 2018): 724.

Hot Springs gained its reputation as a therapeutic place almost from humans' first recorded interactions with the landscape. Though the American Indians who frequented the area more likely came for the novaculite—a sedimentary rock useful for making tools—they probably did bathe in the springs for both hygienic and curative reasons.<sup>17</sup> After the springs passed to U.S. control with the 1803 Louisiana Purchase, Euro-American settlers steadily trickled into the area. John Cyrus Hale first visited the Hot Springs area as a government surveyor in 1820. When he returned in the 1840s in a partnership to control the springs, Hale tried to entice visitors with a poem:

Here nature calls from fortune's frown,  
 Her children of disease—  
 And bids them throw their crutches down,  
 And go where'er they please . . .  
 Let each come here, for here alone,  
 Exists the power to save;  
 Here tottering forms, but skin and bone,  
 Are rescued from the grave.<sup>18</sup>

Hale's poem emphasized that disease came from the natural world (nature called "Her children of disease"), but also that the springs could heal those on crutches and save "tottering forms, but skin and bone" from seemingly inevitable death.

Across the globe, natural spring water had long been considered healthy not only for bathing but drinking. For example, European doctors noted patients suffering symptoms of anemia (even if the physicians did not know to call it that) improved when drinking chalybeate (iron-impregnated) waters. Water from Saratoga Springs, New York, could treat goiters because of its high iodine content.<sup>19</sup> Even if contemporary observers did not comprehend the precise mechanisms by which mineral springs could improve human health, well-established cultural memory told them that such a connection existed.<sup>20</sup>

<sup>17</sup>The best resource on novaculite is the Arkansas Archeological Survey's website, "Arkansas Novaculite: A Virtual Comparative Collection," [archeology.uark.edu/novaculite/index.html](http://archeology.uark.edu/novaculite/index.html) (accessed December 7, 2018). Permanent link available at <https://perma.cc/PPK3-NZJZ>.

<sup>18</sup>Brown, *American Spa*, 28.

<sup>19</sup>Waters with magnesium sulfate (essentially Epsom salts) were used as a laxative to treat stomach ailments. Chapelle, *Wellsprings*, 42-44, 59.

<sup>20</sup>Contrary to current understandings, even a strong negative reaction to drinking mineral spring water was frequently perceived as evidence that the mineral spring water treatment was working and restoring balance to the drinker's body; Boyer Lewis, *Ladies and Gentlemen on Display*, 70-71.

By 1832, one observer believed, of the around four hundred people who visited Hot Springs each year, almost all sought better health or came to assist someone who was.<sup>21</sup> David Dale Owen, the first state geologist of Arkansas, visited the springs in 1858 and 1859 and noted that, even though the hottest springs were “just the right temperature to scald hogs and take feathers off chickens,” more than half the population was “cripple.” Owen believed “some remarkable cures have been effected,” and, in 1859, claimed, “a similar effect, in a diminished degree, is also affected by drinking the hot water.” He called consuming spring water “a common, indeed, almost universal practice, among invalids at the Hot Springs.”<sup>22</sup> By 1878, the city had gained enough of a reputation that an eighteen-page *Harper’s* feature focused on the springs and human health and described the town as the “now famous hot springs of Arkansas.” It, too, emphasized drinking as much as bathing in spring water. The author, A. Van Cleef, noted that even though the water was consumed hot, “almost boiling,” drinkers suffered no ill effects, “as it comes from the earth. . . . It is tasteless and odorless, and certainly drinking hot water would hardly seem to be a pleasure. Strange as it may seem, there is, however, a sort of fascination about it, and you find yourself even if not under treatment, drinking two or three cupfuls in succession.”<sup>23</sup>

In these same years, Dr. George Washington Lawrence argued in the *Transactions of the American Medical Association*, “There are no springs known of superior value, or that can compare with the Hot Springs of Arkansas as adjuncts in the treatment of chronic diseases.” Specifically, the waters could be ingested to heal the body. “Who,” Lawrence queried, “would sip, gulp, or quaff down three or four pints of artificially prepared water, at a temperature of 148° or 150° Fahr., at one time, and feel refreshed after the feat?” The physician continued, “Here it is given to invalids, as the usual dose, during the process of bathing.”<sup>24</sup>

<sup>21</sup>Ruth Irene Jones, “Hot Springs: Ante-Bellum Watering Place,” *Arkansas Historical Quarterly* 14 (Spring 1955): 9.

<sup>22</sup>He also expounded upon the healthful benefits of “the hot douche”; Walter B. Hendrickson, “David Dale Owen Visits the Hot Springs,” *Arkansas Historical Quarterly* 1 (June 1942): 144, 146. On the antebellum period, see, also, Dr. Francis J. Scully, “Dr. William H. Hammond: Hot Springs’ First Resident Physician,” *ibid.* 15 (Winter 1956): 293-299. By 1870, Hot Springs’ population had grown to 1276 persons (up from 201 residents in 1860), particularly because Civil War veterans flocked to the area after visiting Hot Springs during that conflict; Wendy Richter, “The Impact of the Civil War on Hot Springs, Arkansas,” *ibid.* 43 (Summer 1984): 130, 141.

<sup>23</sup>A. Van Cleef, “The Hot Springs of Arkansas,” *Harper’s New Monthly Magazine*, January 1878, pp. 193, 195-196.

<sup>24</sup>Geo. W. Lawrence, MD, “Report of the Committee on Climatology, etc., of Arkansas,” *Transactions of the American Medical Association*, vol. 23 (Philadelphia: Collins, Printer, 1872), 409-410. See, also, Isabel B. Anthony, “Dr. George Washington Lawrence and Lawrence Landing,” *The Record* [Garland County Historical Society] 50 (2009): 21-24.

Not surprisingly, the water's curative properties lay at the heart of the town's early booster claims. In 1892, Charles Cutter's *Cutter's Guide to the Hot Springs of Arkansas* promoted the springs as remedying many diseases, and even "where a perfect cure is not effected, a benefit is experienced by *all* where the waters are properly used."<sup>25</sup> By the early twentieth century, Hot Springs had become one of the nation's premier vacation spots, especially for those looking to improve their health. "Bathhouse Row" dominated the town's social and economic landscape (the first bathhouse was built in the 1830s). The bathhouses offered visitors a way to enjoy the "natural" springs in a controlled and curated experience. Just like walking the promenade in the nearby Hot Springs National Forest, health tourists—including many celebrities—received a seemingly authentic experience with the natural world, but in a controlled and non-threatening way.<sup>26</sup> Hot Springs thus became a national site of healthfulness, especially for treating syphilis, and all of that depended on the natural spring waters that propitiously bubbled up from the grounds.<sup>27</sup>

Mountain Valley sought to tap into that reputation with its products. At various points in the company's history, its advertising has displayed three different patterns of thinking about the relationship between the hot springs and health. At the company's genesis, the water was considered healthy simply because it came from what people at the time thought was pure nature, and, thus, must have healing powers. Mountain Valley's business plan and boosterish claims during this first period proclaimed the medicinal properties of the spring without trying to find any specific mechanism for such healing.

<sup>25</sup>Charles Cutter, *Cutter's Guide to the Hot Springs of Arkansas* (St. Louis: Slawson Printing Company, 1885), 26. *Cutter's Guide* was published by Sumpter House, a hotel in Hot Springs. The supposedly cured diseases were, "Rheumatism, Gout, Scrofula, Paralysis, Neuralgia, Ozena, Catarrh, Sore Throat, Syphilis—acquired or hereditary, in all its different forms—Asthma, Gravel, Diseases of the Kidneys and Bladder, Exzema, Psoriasis, Urticaria, Impetigo, Prurigo, Rupia, Chronic Ulcers, Glandular Enlargements, Ring Worm, Migraine or Sick Headache, Enlarged Tonsils, Menstruation Troubles, and Sterility. This is a long list, yet the truth is not half told. Not a week passes but some remarkable cures are effected where all hope of recovery had been abandoned before a visit to these Springs had been concluded upon."

<sup>26</sup>For more, see Peña, "Recharging at the Fordyce," 747-749.

<sup>27</sup>On Hot Springs being a site of national importance in treating syphilis, see Elliott G. Bowen, "Mecca of the American Syphilitic: Doctors, Patients, and Disease Identity in Hot Springs, Arkansas, 1890-1940" (Ph.D. diss., Binghamton University, 2013). On the general history of Hot Springs, see Orval E. Albritton, *Leo and Verne: The Spa's Heyday* (Hot Springs: Garland County Historical Society, 2003); Orval E. Albritton, *The Mob at the Spa: Organized Crime and Its Fascination with Hot Springs, Arkansas* (Hot Springs: Garland County Historical Society, 2011); Walter L. Brown, "The Henry M. Rector Claim to the Hot Springs of Arkansas," *Arkansas Historical Quarterly* 15 (Winter 1956): 281-292; Mary Beth Hill, *Hot Springs National Park*, Images of America Series (Charleston, SC: Arcadia Publishing, 2014).



Water from the Mountain Valley springs was being sold fairly soon after Euro-Americans settled Hot Springs. In 1853, Enoch S. Lockett recorded the first land patent in the Mountain Valley area—about a dozen miles north of downtown Hot Springs, just west of where Highway 7 runs today. For many years, the mineral water it produced was known as “Lockett’s spring water.” Brothers Peter E. and John Greene began marketing the water as “Mountain Valley” in 1871 and bought the land in 1872. Mountain Valley has had many owners over the years. William Benton purchased the spring in 1881, subsequently turning over operations to Drs. W. A. McCandless and Walter B. Dorsett of St. Louis. In 1902, August Schlafly, an “Illinois & Missouri banker and businessman,” bought the Mountain Valley spring. A group of Mountain Valley distributors, led by John G. Scott, purchased the company in 1966, and they sold it to Sammons Enterprises of Dallas, Texas, in 1987. Most recently, Clear Mountain Springs Water of Little Rock purchased the business in 2004.<sup>28</sup> To entice health tourists to visit Hot Springs and quaff their water on site, the Greene Brothers built two hotels. The first one burned down. Undeterred, the brothers built a larger, top-notch hotel—a three-story palace with beautiful gardens. It burned down in 1934, while famed singer Kate Smith was a guest.<sup>29</sup> Smith was a good sport about the fire, though, even going so far as to get her photograph taken holding a towel with “HOT SPRINGS NAT’L PARK, ARK” written on it, given to her by the city as a consolation for losing everything in the conflagration.<sup>30</sup>

These hotels suggest that, early on, Mountain Valley was probably just as interested in attracting tourists to the springs as it was in selling the bottled water. Like the bathhouses so central to the Hot Springs economy, each hotel’s goal was to provide a seemingly authentic connection to the natural world while mediating that experience in ways expected by discerning visitors. As figures 1 and 2 demonstrate, the lodging was enveloped in a rustic setting that evoked wilderness. At the same time, the fancy hotel, covered access to the mineral springs, and exquisitely culti-

<sup>28</sup>*Spring* (1985), 25; Isabel Burton Anthony, ed. *Garland County, Arkansas: Our History and Heritage* (Hot Springs: Garland County Historical Society, 2009), 200 [quotation].

<sup>29</sup>Mountain Valley, like much of Hot Springs, suffered from several fires in the late 1800s and early 1920s. Inez B. Cline, “100 Years of Selling Bottled Water,” *Record* 12 (1971): 1-5. Cline’s piece was part of *The Record*’s 100<sup>th</sup> anniversary celebration of Mountain Valley. As a letter dated September 24, 1963 to “Mrs. Frank Cline” demonstrates, Inez Cline and Mountain Valley had a strong working relationship, with Mountain Valley even providing financial help so that the Garland County Historical Society could print a story about the company; Jay H. Riede, advertising director, Mountain Valley Mineral Water to Mrs. Frank Cline, September 24, 1963, May 8, 1964, vertical file: Mountain Valley Water, GCHS.

<sup>30</sup>Kate Smith photograph, box E29, Hot Springs National Park Collection 2030, Hot Springs National Park Archives, Hot Springs [hereinafter HSNPA].



Figure 1. The Mountain Valley Hotel in 1921 with the mineral springs shown in the upper right hand corner. *Courtesy Garland County Historical Society. Image used with permission of Mountain Valley Spring Company.*

vated garden provided an urbane counterpoint to the Hot Springs National Forest and the Mountain Valley springs.

From the outset, encouraging consumers to connect notions of natural purity with supposed health benefits permeated Mountain Valley's pursuit of profit. In 1873, the Thomasville, Georgia, *Times* printed a series of four letters from someone using the pen name "Lounger." While Lounger's true identity is unknown, he was likely a wealthy person acting as a Hot Springs booster. Lounger's August 13, 1873 letter discussed his trip to the Mountain Valley Springs, noting specifically how the waters could heal. In addition to describing a number of ailments Mountain Valley Mineral Water cured, Lounger wrote, "the Proprietor has gone so far as to say that for every case of chills that these waters fail to cure in three days that he will make no charge for a month[']s board. They must surely be a dead shot for the latter disease or the proprietor would not be so liberal in his offers."<sup>31</sup>

In July 1876, another boosterish newspaper article proclaimed that Mountain Valley possessed "three of the most remarkable Springs that

<sup>31</sup>Or, perhaps, the proprietor knew that only with a "money-back guarantee" could he draw tourists to a distant rural location; Jerrell H. Shofner and William Warren Rogers, "Hot Springs in the 'Seventies," *Arkansas Historical Quarterly* 22 (Spring 1963): 46-48 [quotation, p. 47].

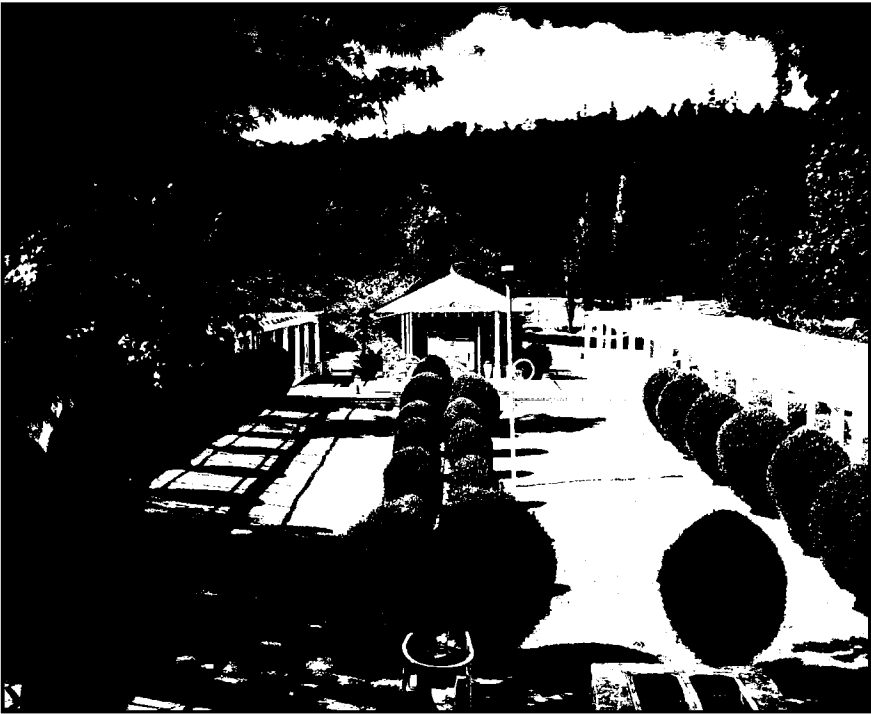


Figure 2. In the garden of the Mountain Valley Hotel, guests could experience a curated encounter with the natural world while quaffing Mountain Valley Spring Water. *Courtesy Garland County Historical Society.*

have ever been discovered for the cure of diseases that have hitherto been considered incurable by the best physicians in the country.” It further contended that the water “is perfectly clear and has a very pleasant taste, and not objectionable to the stomach. On the bottom and sides of the Spring gathers a yellow, soft spongy matter, a kind of sediment, which if swallowed with the water, acts effectively, but soothingly on the liver and bowels.”<sup>32</sup> An assumption of natural purity underlay this line of thinking. It did not matter what exactly that spongy yellow sediment was. If it came naturally from the springs, it must have health benefits.

A June 1879 advertisement in *Hot Springs Illustrated Monthly* even claimed Mountain Valley outshone nearby springs in the healing powers of its waters. “The value of the water has long been known, and the springs are visited by large numbers of invalids who fail to find relief from

<sup>32</sup>“Hot Springs and the Mountain Valley Springs,” unidentified newspaper clipping, July 29, 1876, vertical file: Mountain Valley Water, GCHS.

the thermal waters [in Hot Springs], and are frequently speedily cured by the use of the Mountain Valley Spring Water alone."<sup>33</sup>

While, initially, boosters and physicians frequently failed to mention any specific means by which water healed other than its purity, by the early twentieth century understandings of health and spring water started to shift toward identifying the particular mechanisms by which natural spring water could be healthy. In the March 14, 1908 issue of the *Journal of the American Medical Association*, medical doctor James K. Crook declared, "It is now well known that mineral waters possess no mysterious or occult virtues in the treatment of disease." To Crook, only by knowing the precise chemical and mineral properties of water could doctors reliably prescribe spring water to their patients. "No mineral water will be accepted by the medical profession for alleged medicinal properties supported only by testimonials from bucolic statesmen and romantic old ladies."<sup>34</sup>

Because of such shifts in understanding, Mountain Valley advertisements started to attribute the water's curative powers to more specific and quantifiable qualities, typically involving constancy, mineral content, and being free of human additives. Mountain Valley even went so far as to advertise its water as being healthy because it was "radioactive." Advertising radioactivity to improve human health seems far-fetched today, but in 1914 Mountain Valley's claims reflected contemporary thinking about healthfulness.<sup>35</sup> For example, in 1904, the front page of the *New York Times* reported that Dr. B. B. Boltwood of Hot Springs, Arkansas, had discovered "Radio-activity in unexpected strength" in the city's spring waters. After noting his "exhaustive study" of the waters for the U.S. Department of Interior, the paper quoted Boltwood as proclaiming that, though medical science could not prove any healing properties of the radioactive water, "The fact that radioactive substances can cause action to take place through a layer of matter, the skin, for instance, would make it seem probable that bathing in a radio-active water might have some effect on the muscles and tissues."<sup>36</sup> And Thomas J. Allen, a medical doctor from Eureka Springs, Arkansas, wrote in 1913, "a belief in some healing water

<sup>33</sup>As quoted in Cline, "100 Years of Selling Bottled Water," 2.

<sup>34</sup>James K. Crook, "American Mineral Waters; In the Light of Recent Analyses," *Journal of the American Medical Association* 50 (March 14, 1908): 860.

<sup>35</sup>Even decades later, the U.S. Atomic Energy Commission actually conducted experiments with radioactive fertilizers, before admitting that, if radiation had any effects on plants at all, these would be negative, either killing the plant or at least stunting or halting its growth; Neil Oatsvall, "Atomic Agriculture: Policymaking, Food Production, and Nuclear Technologies in the United States, 1945-1960," *Agricultural History* 88 (Summer 2014): 368-387.

<sup>36</sup>"HOT SPRINGS RADIO-ACTIVE. No Evidence That This Property Imparts Any Therapeutic Value," *New York Times*, October 10, 1904, p. 1. See, also, Bertram B. Boltwood, "On the Radio-ac-

as a source of renewed health and youth is as old as human intelligence—and as new as the latest discovery of that wonderful natural healing agent, radioactivity.<sup>37</sup> Radioactivity was, thus, for a time, part of Hot Springs’ claims to healthfulness, even though Ernest Zueblin, Baltimore medical doctor and professor of medicine at the University of Maryland, would write in 1915, after an examination that, “Mountain Valley water . . . gives no constant radioactivity.”<sup>38</sup>

Even as they invoked science, companies faced stricter federal scrutiny in making such claims. The assertion as to radioactivity led the U.S. Food and Drug Administration (FDA) to charge Mountain Valley with violating the Food and Drugs Act of 1906.<sup>39</sup> In May 1914, the U.S. attorney for New Jersey, acting on a report of the secretary of agriculture, filed a libel suit (an older name for what is now called a “complaint for forfeiture”) for the seizure and condemnation of twenty cases of Mountain Valley water in Atlantic City, New Jersey.<sup>40</sup> The packages were labeled: “Mountain Valley Spring Water of Arkansas—World’s best water for kidney and bladder troubles.” What especially got the water distributor in trouble, however, was labeling its product as “Radio-Active Mountain Valley Water.” The final FDA report alleged “misbranding of the product” because Mountain Valley’s claims that the water was radioactive and a remedy for Bright’s disease, diabetes, cystitis, and rheumatism “were false, fraudulent, and misleading.” The company did not contest the allegation and paid court costs of \$500.<sup>41</sup> The primary argument and evidence used against Mountain Valley revolved around Section 8 of the Food and Drugs Act, which concerned “misbranded” foods.<sup>42</sup> Crucially, when Bureau of Chemistry representatives tested the water, they detected no radioactivity.<sup>43</sup>

tive Properties of the Waters of the Springs on the Hot Springs Reservation, Hot Springs, Arkansas,” *American Journal of Science* 20 (August 1905): 128-132.

<sup>37</sup>Thomas J. Allen, “Does Water Cure?” *The Medical Standard* 36 (no. 10, 1913): 386.

<sup>38</sup>Ernest Zueblin, “The Radioactivity of Mountain Valley Water,” *Interstate Medical Journal* 22 (January-December 1915): 836.

<sup>39</sup>On the creation of the act, see James Harvey Young, *Pure Food: Securing the Federal Food and Drugs Act of 1906* (Princeton: Princeton University Press, 1989).

<sup>40</sup>[Unidentified correspondent] to J. Warren Davis, United States Attorney, May 7, 1914, Foods and Drugs, 1908-1943, ser. 1, box 16, folder E-38, FDA Notices of Judgment Collection, 1908-1966, U.S. National Library of Medicine, Bethesda, MD [hereinafter USNLM].

<sup>41</sup>D. F. Houston, Secretary of Agriculture, signed his report on the libel case on March 12, 1915, FDA Court Case Notices of Judgment pertaining to Foods and Drugs (FDNJ), 3627, USNLM; misbranding of water, *U. S. v. 20 Cases, More or Less, of Water*, consent decree of condemnation and forfeiture, product released on bond (F. & D. No. 5714. I. S. No. 22151-h. S. No. E-38), 157, *ibid.* The water was condemned, forfeited, and disposed. W. F. Jones, Acting Solicitor, September 25, 1914, Food and Drugs, 1908-1943, ser. 1, box 16, folder E-38, FDA Notices of Judgment Collection, 1908-1966, USNLM.

<sup>42</sup>C. L. Alsberg, Chief, to THE SECRETARY, May 5, 1914, *ibid.*

<sup>43</sup>Letter to Davis, May 7, 1914.

After the suit, Mountain Valley continued to make its case before the FDA. In a September 1915 interview, August Schlafly (then the Mountain Valley owner) and Dr. W. A. McCandless (in charge of Mountain Valley operations) met with a representative from the Bureau of Chemistry. The Bureau report indicated that “Dr. McCandless spoke very earnestly in an endeavor to show that the labeling previously used was used in good faith and that the water has certain remedial properties, when used in connection with regular habits of living and medical treatment.”<sup>44</sup> Rather than trying to bilk unsuspecting customers, top executives at Mountain Valley may have truly believed their water had curative properties.

Whatever the case, Mountain Valley did not cease making claims about how its water could heal the sick even after being taken to court. The business did, however, increasingly seek to identify specific qualities of its water that produced those healing properties. Thus the 1914 court case cemented a transition in business strategy that had already begun within Mountain Valley. It began to specifically cite the water’s healthfulness as deriving from two factors: purity due to its connection to the natural world and more carefully stated, measurable properties of the water. Mountain Valley spring water was not merely healthy by its very essence, but the water could engender very specific responses within the body due to its natural and mineral properties. The company’s advertisements from the time help demonstrate this idea.

In its advertising, Mountain Valley frequently used American Indian imagery, especially to leverage Native Americans’ supposed connection to a pure and untouched nature (figures 3 and 4).<sup>45</sup> One ad, titled “The Password ‘Rheumatism,’” drew upon the erroneous folktale that Hernando de Soto had in 1541 visited the area, where he encountered American Indians using the natural hot springs to treat any number of ailments, especially joint conditions.<sup>46</sup> American Indian groups certainly did frequent the area over a long period of time, but this sort of popular lore, fraught with inaccuracies, tells us much more about the group that created it (Eu-

<sup>44</sup>Interview, Subj: Mountain Valley Water, September 20, 1915, Foods and Drugs, 1908-1943, ser. 1, box 16, folder E-38, FDA Notices of Judgment Collection, 1908-1966, USNLM.

<sup>45</sup>On American Indian portrayals in popular culture, especially in relation to the environment, see Shepard Krech III, *The Ecological Indian: Myth and History* (New York: W. W. Norton, 1999). For dissenting points of view, see Michael E. Harkin and David Rich Lewis, eds., *Native Americans and the Environment: Perspectives on the Ecological Indian* (Lincoln: University of Nebraska Press, 2007). See, also, Philip J. Deloria, *Playing Indian* (New Haven: Yale University Press, 1998); Jacquelyn Kilpatrick, *Celluloid Indians: Native Americans and Film* (Lincoln: University of Nebraska Press, 1999).

<sup>46</sup>*Courier Journal* (Louisville, KY), October 19, 1939, vertical file: Mountain Valley Water, GCHS.

Figure 3. A newspaper advertisement from 1939. Beyond the walking cane, notice how the rheumatic Indian only has one feather in his head-dress, a clear symbol of emasculation. *Courtesy Garland County Historical Society. Image used with permission of Mountain Valley Spring Water Company.*



*The Password*  
**'RHEUMATISM'**

Long before the coming of white men, Indians of the Great Southwest proclaimed the pain-relieving properties of a certain mineral water that gushed from rocky depths in the Ozark Mountains.

Tradition says that even the most hostile Braves—those tortured with rheumatism—were allowed to pass peaceably on their way to drink from the spring “down the valley.”

For 75 years suffering men and women have praised this natural, health-restoring aid. Call or write for free booklet.

**MOUNTAIN VALLEY**  
*from* **HOT SPRINGS, ARK.**  
**MINERAL WATER**

WAbash 2411

611 S. 1st St.

Zach Wilhoyte, Dist.



Figure 4. In addition to Native American imagery, Mountain Valley used “Indian” salesmen to emphasize the natural qualities of its water. *Courtesy Garland County Historical Society.*

ro-Americans) than the group it depicts (American Indians).<sup>47</sup> As Carolyn Thomas de la Peña has contended, using American Indians in advertising about hot springs allowed consumers to feel connected to a “primitive,” idealized past while still reveling in “civilized,” modern amenities.<sup>48</sup> The Mountain Valley advertisement employed the trope to remove all traces of modernity, instead invoking a bygone natural purity and a simpler human existence within the natural world. In essence, drinking Mountain Valley Mineral Water—water advertised as being so natural the Indians drank it—allowed customers to feel connected to a primordial and pristine natural world.<sup>49</sup>

Other Mountain Valley advertisements linked natural purity and human health by citing more specific properties. A November 1939 newspaper ad reflected an increasing faith in medical authority, telling readers with aching joints that “Doctors prescribe this natural aid. Mountain

<sup>47</sup>See Mark Blauer, *Didn't All the Indians Come Here?*, and note 2 of this essay.

<sup>48</sup>Peña, “Recharging at the Fordyce,” 760.

<sup>49</sup>Neil Oatsvall, “Advertising Indians,” *Gastronomica: The Journal of Critical Food Studies* 18 (Summer 2018): 11-18.



Valley Mineral Water from Hot Springs, ARK. Combats acidity—flushes kidneys.”<sup>50</sup> Another advertisement implied that the water was so delicious that sick people might want to stay sick just so they could keep quaffing the beverage (figure 5). It showed a man at a hospital talking on the phone, saying, “I Don’t Want to Get Well.” As an attractive nurse brought him a bottle of Mountain Valley water, he clarified, “and it’s not my beautiful nurse. The truth is, they’re serving me Mountain Valley Mineral Water from Hot Springs, Arkansas. But if you’ll promise to have some at home, I’ll come in a jiffy.” The advertisement made sure readers knew the water was from “America’s most popular health resort,” and added, “Delicious Mountain Valley Water aids naturally in Arthritis, Kidney, Stomach and Bladder disorders. Not carbonated, not laxative, it combats acidity.”<sup>51</sup> This new emphasis on the taste of the water made sense in the context of other advertising campaigns of the previous few decades. Many sodas, including Dr. Pepper, Coca Cola, and Pepsi, were first marketed to consumers as health drinks. As historians Gary Cross and Robert Proctor have argued, medicines that “once cured pain could now serve unadulterated pleasure.”<sup>52</sup>

As part of this mid-century advertising campaign, several Mountain Valley advertisements even made their way into *Time* magazine (figure 6). A 1940 ad underlined both the water’s natural sources and its medical value, showing a serene range of mountains with pine trees and a pretty nurse carrying a bottle of water. It listed “8 Reasons for drinking Mountain Valley Mineral Water.”<sup>53</sup> A second 1940 ad asked, “How can WATER aid in *ARTHRITIS*?” It answered, “When the water is Mountain Valley Mineral Water, its tendency to discharge or eliminate toxic wastes from the system, through the kidneys, renders it an aid in treating arthritis. From the world-famous arthritis spa at Hot Springs, Ark., Mountain Valley is delivered direct to you.”<sup>54</sup> But, at the same time, the beginning of a shift away from claims of healing toward maintaining an already healthy body (and improving body function) can be seen, especially in claims of how the water’s “supply of calcium and magnesium can be used profitably by the body.” These medical claims became so central to Mountain Valley’s brand that the company even had an internal medical censorship board.<sup>55</sup>

<sup>50</sup>“Are You Troubled with Aching Joints,” *Arkansas Gazette*, November 6, 1939, p. 3.

<sup>51</sup>“I Don’t Want to Get Well,” Mountain Valley Mineral Water advertisement from unidentified newspaper, vertical file: Mountain Valley Water, GCHS.

<sup>52</sup>Gary S. Cross and Robert N. Proctor, *Packaged Pleasures: How Technology & Marketing Revolutionized Desire* (Chicago: University of Chicago Press, 2014), 105 [quotation], 124-127.

<sup>53</sup>“8 Reasons for drinking Mountain Valley Mineral Water,” *Time*, February 26, 1940, p. 42.

<sup>54</sup>“How can WATER aid in *ARTHRITIS*?” *ibid.*, March 4, 1940, p. 55.

<sup>55</sup>John G. Scott to H. S. Stanley (Hot Springs Chamber of Commerce), January 15, 1940, vertical file: Mountain Valley Water, GCHS.

**I DON'T WANT  
TO GET WELL**



*and it's not my  
beautiful Nurse*

"The truth is, they're serving me Mountain Valley Mineral Water from Hot Springs, Arkansas. But if you'll promise to have some at home, I'll come in a jiffy."

Delicious Mountain Valley Water aids naturally in Arthritis, Kidney, Stomach and Bladder disorders. Not carbonated, not laxative, it combats acidity. You drink it at home, just as thousands do at America's most popular health resort — Hot Springs.


*Call or write today  
for free health booklet*

**MOUNTAIN VALLEY  
MINERAL WATER**

3673 Olive St.

JEfferson 4260

Figure 5. Newspaper advertisement, date unknown. Courtesy Garland County Historical Society. Image used with permission of Mountain Valley Spring Water Company.



# 8 REASONS



## for drinking MOUNTAIN VALLEY MINERAL WATER

from **HOT SPRINGS, ARK.**

1. It aids in treating Rheumatic, Kidney and Bladder conditions.
2. It is natural mineral water from Hot Springs, Arkansas—America's foremost health resort.
3. It promotes kidney function.
4. It is mildly alkaline—tends to offset acidity of the stomach.
5. Its supply of calcium and magnesium can be used profitably by the body.
6. *Not* carbonated, *not* laxative, it is often used when other waters can't be consumed.
7. Good to taste, its merit is proven by over 5 million users in 75 years.
8. It retains all beneficial properties though shipped hundreds of miles to you.

Phone the Mountain Valley office in your city or write **MOUNTAIN VALLEY, HOT SPRINGS, ARK.**, for a case today. Delivery direct to your home, anywhere in U. S. A.

**FREE**—booklet on how Mountain Valley may help you—Write or phone for copy today.

## How can WATER aid in ARTHRITIS ?

**W**HEN the water is Mountain Valley Mineral Water, its tendency to discharge or eliminate toxic wastes from the system, through the kidneys, renders it an aid in treating arthritis.


From the world-famous arthritis spa at Hot Springs, Ark., Mountain Valley is delivered direct to you. This in no way changes or impairs its beneficial properties.

**Immediately, you'll like its pure, good taste. But for Mountain Valley really to help you, you should drink 6 to 8 glasses a day over a period of time.**

Ask your doctor about Mountain Valley. Many recommend it—many drink it regularly.

Phone the Mountain Valley Office in your city for a case today or write Mountain Valley, Hot Springs, Ark.

**FREE**—booklet on how Mountain Valley may help you—Write or phone for copy today.



## MOUNTAIN VALLEY MINERAL WATER

**FROM HOT SPRINGS, ARKANSAS**

Figure 6. 1940 advertisements from *Time* magazine. While the language at first appears precise, upon inspection it is actually quite vague. *Courtesy Garland County Historical Society. Images used with permission of Mountain Valley Spring Water Company.*

A second FDA charge of libel—demanding forfeiture of goods—accelerated the change of its advertising strategy from claims that Mountain Valley Mineral Water could heal the sick and cure various infirmities and ailments toward focusing on how it could help already healthy persons maintain their vitality. In June 1953, the FDA again hit Mountain Valley with a lawsuit concerning health claims the company had made. Seizing 353 cases of water (each with six half-gallon bottles each) and 81 five-gallon carboys of water, the FDA charged the company with falsely represent-

ing its product, which violated the Federal Food, Drug, and Cosmetic Act. Mountain Valley had shipped the water to distributors in Memphis, where the FDA seized the product, along with quite a few associated pamphlets, during June and July 1953. The FDA claimed that “the accompanying labeling of the article contained false and misleading representations.” The lawsuit revolved around whether the pamphlets that Mountain Valley distributed with its water could reasonably be construed as “labeling” or not. The pamphlets included titles such as: “Your Health Begins with Nature”; “The Importance of Mountain Valley Water in Arthritic and Rheumatic Disorders”; “The Importance of Mountain Valley Water in Kidney and Bladder Disorders”; “Mountain Valley Water from Hot Springs, Arkansas, in Pregnancy and Care of Children”; “Is Your Trouble Mineral Deficiency?”; and “Helping to Stay Young Through Minerals.”<sup>56</sup>

Some ambiguity existed in the law, however. Both sides had a reasonable case as to whether the pamphlets were “labels” or not. The FDA alleged the water was “misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods, No. 26597.” It argued Mountain Valley claimed its water cured a variety of diseases and infirmities:

[T]he accompanying labeling of the article contained false and misleading representations that drinking of Mountain Valley Mineral Water as directed (8, seven- to eight-ounce glasses daily) constitutes an adequate and effective treatment for kidney disorders, kidney and bladder stones with persistent albuminuria and pyuria, pain following bladder operations, bladder conditions or disorders, urinary tract symptoms, cystitis, pyelitis, nephritis, urethritis, arthritis, rheumatism, neuritis, conditions giving rise to excess gastric acidity and indigestion, stomach ulcers, faulty metabolism, tetany due to chronic diarrhea or disturbances of the parathyroid glands, chronic fatigue, nervous tension, aches and pains and mental sluggishness; that its use would insure good health, increase benefits the body obtains from such medicines as penicillin, insulin and sulfonamide drugs, render the urine alkaline, eliminate irritating substances and toxic wastes in the system, insure proper kidney function during pregnancy, and prevent uremic poisoning during pregnancy.

<sup>56</sup>Case Number 26597, Mineral water (Evidence Numbers: F.D.C. No. 35395. S. Nos. 62-733 L., 62-735 L.), October 1960, pp. 206-207, Foods Court Case Notices of Judgment [hereinafter FFNJ], USNLN.

Crucially, however, Mountain Valley countered by saying the pamphlets that accompanied the seized water were just that—pamphlets—and not labeling of any sort.<sup>57</sup>

In addition to the above ailments the water supposedly alleviated or cured, the brochures also made more general claims about how Mountain Valley water helped already healthy humans maintain wellness. They variously argued that “common foods cannot be relied upon as an adequate source of essential minerals,” and “the lack of necessary minerals is one of the missing links in the health measures taken by the average person.” Moreover, “minerals help offset the damaging effects of toxins and wastes,” Mountain Valley told potential customers, and “drinking Mountain Valley Water regularly helps the body control the amount of nutrition taken in and the amount of waste eliminated.” One pamphlet even suggested that “minerals increase resistance to infection.” The FDA asserted that such claims made the bottled water “a food for special dietary uses” and thus applicable to laws governing such.<sup>58</sup>

For several years, the case bounced around various U.S. district courts as a legal battle had developed over who had proper jurisdiction. The lawsuit ended up in the Western District of Arkansas, Hot Springs Division.<sup>59</sup> Mountain Valley won the initial case that went to trial on May 21, 1956, and ended with an acquittal on June 2. Though the jury ruled in favor of Mountain Valley on all counts, importantly it did not find that Mountain Valley bottled water necessarily did anything that the pamphlets claimed. Instead, the jury specifically found merit in Mountain Valley’s argument that the water could not be considered as a food for dietary uses and that most of the pamphlets did not constitute labeling. (Mountain Valley eventually admitted that four brochures did represent labeling.) Ruling that the pamphlets were not labeling meant the courts never actually considered the veracity of their claims. The FDA had filed suit alleging the pamphlets violated a misbranding provision of the Federal Food, Drug, and Cosmetic Act, but it could not prove misbranding if the pamphlets were not considered branding in the first place.

On appeal, that initial ruling was, however, partially reversed by the Eighth Circuit Court on August 6, 1957. The court in *United States v. Urbuteit*, 335 U.S. 355, 358 stated:

<sup>57</sup>Case Number 6023, Mineral water (F.D.C. No. 35395. S. Nos. 62-733 L, 62-735 L.), October 1960, pp. 26-27, Drugs and Devices Court Case Notices of Judgment, USNLM.

<sup>58</sup>Case Number 26597, p. 207.

<sup>59</sup>Eventually, “the parties did agree that the case could best be tried in the home district of the claimant. This is consistent with the general idea that a party has a right to be tried in his home district unless such place of trial would otherwise appear improper.” *Ibid.*, pp. 208-214 [quotation, p. 214].

The public has too vital an interest in the proper and truthful labeling of whatever is sold for human consumption to justify basing a decision upon what, under the circumstances, was a mere technical oversight [whether the pamphlets were labeling or not] which misled neither the trial court nor opposing counsel. If, under the evidence and the applicable law, the water was misbranded, it ought to be condemned in the public interest. "The problem is a practical one of consumer protection, not dialectics."

The appellate decision further explained that Mountain Valley had insisted these pamphlets did not constitute labeling, "ostensibly, because of evidence that they had not been used by the distributor in connection with selling the water in Memphis. However, all of the pamphlets were obviously printed for use generally in promoting the sale of water, and were useful for no other purpose." The ruling added that the pamphlets were all "found in the place of business of the local distributor, and were approved advertising matter, available upon request." Moreover, since the president of Mountain Valley Sales Company admitted he knew of no sales literature that had not been approved by management, the distributor's pamphlets provided a direct link to the Hot Springs corporate headquarters.<sup>60</sup> Mountain Valley's carefully crafted position concerning "labeling" had crumbled.

The Eighth Circuit Court reasoned that the sales literature in question made it clear that the water was intended for "special dietary uses," listing specific points from the "Facts About Mountain Valley Mineral Water from Hot Springs, Ark." brochure (conceded by the company to be "labeling"). That pamphlet expounded upon the minerals in Mountain Valley water and how these were helpful for human health because the minerals improved digestion, were low in sodium (so as to be healthy for the heart), had fluorine (so as to improve dental health), but did not "Over-mineralize the System." Other seized pamphlets made further claims, boasting that consuming Mountain Valley water improved kidney health and contained calcium that improved bone and dental health (especially during pregnancy).<sup>61</sup>

Consequently, on December 19, 1957, Judge John E. Miller of the Western District of Arkansas issued a ruling based on a mandate from the Eighth Circuit Court of Appeals that the government had conclusively demonstrated that the water was indeed misbranded as being for special dietary uses. His decision had five components: First and second, he va-

<sup>60</sup>Ibid., 215-218 [quotations, p. 218].

<sup>61</sup>Ibid., 218-220.

cated and dismissed the 1956 rulings that found in favor of Mountain Valley. Third, the judge declared, “as a matter of law the water in suit was misbranded” under special dietary uses and did not contain the necessary labeling. The fourth component ordered U.S. marshals to destroy the water actually seized, and, finally, the ruling allowed the government to recover court costs and fees, including “storage and other proper expenses,” from the company. Interestingly, while Mountain Valley was ruled to have “misbranded” its water with its health claims, the truthfulness of such claims ultimately did not come into play in the final court ruling. The government attempted to appeal the ruling but was denied by the court of appeals on June 27, 1958. When the U.S. Supreme Court declined to hear the case that October it was essentially over.<sup>62</sup>

The final step occurred on June 24, 1959, when the court denied Mountain Valley’s request to have its water returned, as it had been ordered to be destroyed, but allowed the bottles, carboys, containers, and pamphlets to be returned. That final order “further provided that neither it, nor the return of the articles and pamphlets to the claimants thereunder would constitute or imply any adjudication upon the issues of truth or falsity of the claims appearing in said pamphlets under Sections 502(a) and 403(a) as charged in the libel, as the question of such truth or falsity had not been adjudicated.” In essence, the court affirmed that it *had not* ruled on health claims contained in Mountain Valley’s pamphlets. Thus, while the Mountain Valley website currently suggests the company’s “health-boosting benefits [stood] strong amid an FDA crackdown on advertising claims,” such a statement requires, at the very least, some qualification.<sup>63</sup>

Likely because of this second FDA case, later Mountain Valley advertising dropped all pretense of healing properties in favor of more carefully crafted positions on how the water supported general bodily health. Mountain Valley’s business plan during and after the 1950s emphasized notions of minerals and natural purity that seemed more modern and scientific. For example, while one pamphlet claimed that Mountain Valley water could be “an aid in the management of KIDNEY and BLADDER disorders” (especially because “tests indicate that all waters do not provide equal kidney action, even though identical quantities may be taken”), the advertisement also dwelt more on notions of constancy and natural purity when it told readers that, while faucet water varies from region to

<sup>62</sup>Ibid., 221-222.

<sup>63</sup>Ibid., 222-223; “The History,” Mountain Valley Spring Water, [www.mountainvalleyspring.com/our\\_story/#TheHistory](http://www.mountainvalleyspring.com/our_story/#TheHistory) (accessed March 20, 2019).

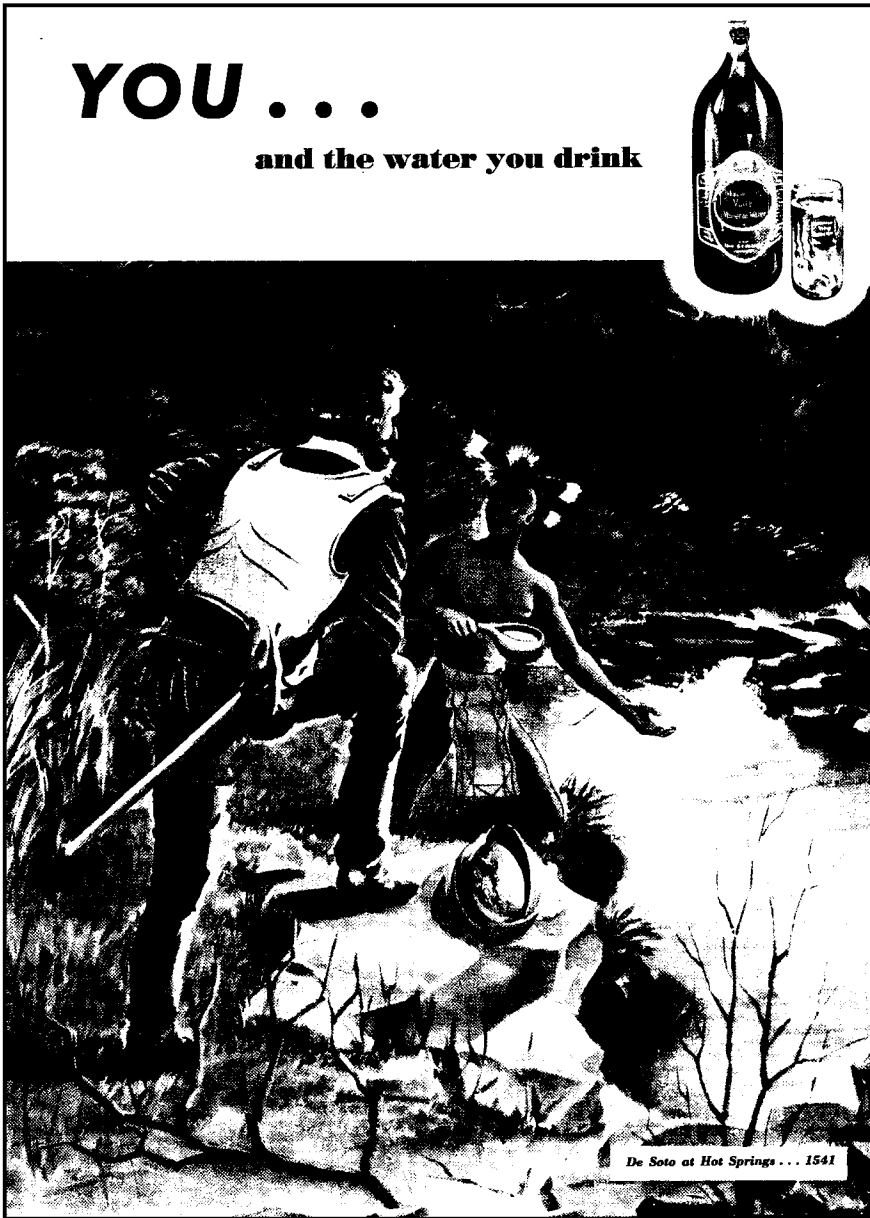


Figure 7. The de Soto myth recreated on the cover of a Mountain Valley brochure from 1956. *Courtesy Hot Springs National Park Archives. Image used with permission of Mountain Valley Spring Water Company.*



region as do the “Chemical additives” found in it, Mountain Valley Mineral Water “is remarkably uniform in chemical content.”<sup>64</sup>

One 1956 Mountain Valley brochure particularly demonstrates this new advertising plan by using tried and true imagery. The cover (figure 7) showed de Soto surveying a creek under the direction of a feather-adorned American Indian man. The scene, from the Indian’s helpful gesture to de Soto’s shining helmet resting upon a rock, attempts to connect Mountain Valley’s water to a time before modern humans had contaminated pure nature. The text in the large, letter-sized brochure further drove home this point. Titled “A Miracle of Nature at Hot Springs,” the brochure claimed it was “impossible” to talk about Mountain Valley water without invoking the history of Hot Springs. “For this delicious water comes direct to you from the world-famous valley of health where Mother Nature worked a miracle thousands of years ago.” Furthermore, the brochure insisted humans were unable to replicate the exact water found at Mountain Valley: “The ingredients are there [in scientific laboratories], but man seemingly *can not* combine them as Mother Nature does to obtain the beneficial results.” Connecting the water to American Indians and their belief that the “Great Spirit” breathed life into the springs, the brochure reproduced the myth of de Soto’s discovery of the springs and then recounted the history of Hot Springs as a medical center, ultimately explaining, “All of this is part of the history of the enchanted land of health from which Mountain Valley Water comes to you. Mountain Valley is one of the never-changing products of nature which has been proved by overwhelming practical experience and recognized medical research.”<sup>65</sup>

As public health concerns fixated in the second half of the twentieth century on the dangers of pesticides, herbicides, radioactive fallout, and other pollutants, advertising increasingly emphasized that Mountain Valley water was free of all human additives.<sup>66</sup> A page of one undated brochure, titled “Wonderful Water Means More Than Wonderful Taste,” said, “In this ‘era of water pollution’ it is reassuring to have one water designated and protected by nature for just one purpose—and that purpose is *you*.” It continued, “Every drop comes from a spring untouched by man’s

<sup>64</sup>“Mountain Valley Water: As an aid in the management of KIDNEY and BLADDER disorders,” pamphlet (likely 1950s), vertical file: Mountain Valley Water, GCHS.

<sup>65</sup>Mountain Valley brochure, “You . . . and the water you drink,” cover, pp. 6-8, box A62, folder 13536.08.2 Mountain Valley Water Advertising, 1956, Bathhouse Association Collection, HSPNA.

<sup>66</sup>See, for example, the concerns expressed in Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin, 1962); John Hersey, *Hiroshima* (New York: Knopf, 1946); Thomas Whiteside, *Defoliation: What Are Our Herbicides Doing to Us?* (New York: Ballantine, 1970). Many scholars have studied this shift. See, especially, Ralph H. Lutts, “Chemical Fallout: Rachel Carson’s *Silent Spring*, Radioactive Fallout, and the Environmental Movement,” *Environmental Review: ER* 9 (Autumn 1985): 210-225.

unruly habits. . . . In today's world of many problems with water supplies, you have much to be thankful for when you drink Mountain Valley Water. It is always uniform, free from urban wastes, detergents, pesticides, fallout . . . as protected from the world's impurities as any water on earth."<sup>67</sup> Plainly, radioactivity was no longer a selling point. After extolling the water's virtues and connecting it to eras gone by (again invoking de Soto, Indians, and "pristine" wilderness), the pamphlet summarized its main points by saying, "The combination of a changeless source, 100 years of constant use as a health water, and protection from hazards of urban and surface water contamination offer much satisfaction to regular users."<sup>67</sup>

Another brochure, titled "Mountain Valley Panorama," highlighted the notion that "Hot Springs is a Medical Center," and provided a supposed chemical analysis of the water to demonstrate how "because a natural mineral water has no irritating chemicals added, as are in many city waters for purposes of purification, it is more apt to be advantageously assimilated by the human system."<sup>68</sup> In a time when the public increasingly became wary of how humans could poison their own bodies through the environment, or, at least, was concerned about chemical additives to city water like fluoride, unmodified nature thus became a marketable commodity.<sup>69</sup>

The brochure also signaled Mountain Valley's desire to market itself with more modest claims about the water's vitamin and mineral content. One image screamed, "DON'T FORGET ME, TOO!" and insisted, "Children deserve Mountain Valley. It supplements the calcium they need for teeth and bones, and produces no harmful effect."<sup>70</sup>

Later Mountain Valley pamphlets continued the themes of health, constancy, and nature established by previous advertisements.<sup>71</sup> Mountain Valley's late-1950s "diamond" anniversary pamphlet began by bragging that, while many businesses survive seventy-five years by changing, Mountain Valley water was unique because its product remained untouched over the

<sup>67</sup>"Wonderful Water for You!" pamphlet (likely 1950s), vertical file: Mountain Valley Water, GCHS.

<sup>68</sup>"Mountain Valley Panorama: Hot Springs, Arkansas," brochure booklet (likely 1950s), *ibid.*

<sup>69</sup>Historian Brian Drake has argued, "whatever the truth about sodium fluoride's safety, the [anti-fluoride] movement offers a spectacular example of what could happen when the environmental concerns of the postwar period crossed paths with the era's growing mistrust of the federal government, particularly of the conservative/libertarian variety." On the mid-century movement against fluoride in city waters, see chap. 2, "Precious Bodily Fluids: Fluoridation, Environmentalism, and Antistatism," in Brian Allen Drake, *Loving Nature, Fearing the State: Environmentalism and Anti-government Politics before Reagan* (Seattle: University of Washington Press, 2013), 54.

<sup>70</sup>"Mountain Valley Panorama."

<sup>71</sup>These themes were well established in this era. See Samuel P. Hays, *Beauty, Health, and Permanence: Environmental Politics in the United States, 1955-1985* (New York: Cambridge University Press, 1987).

years. The pamphlet also printed a December 1957 letter from Maj. Gen. Howard McCrum Snyder, President Dwight Eisenhower's personal physician, that congratulated the company on its anniversary, saying, "I have for years used Mountain Valley Water exclusively in my home. Throughout the years I have advised many of my patients to use this water. . . . I find it to their best interests to use Mountain Valley Water."<sup>72</sup>

A brochure probably from the 1960s entitled, "What you should know about Mountain Valley Water," summed up the changes in the company's advertising. The water was "naturally pure—contains no chlorine or other added chemicals" and thus was different from "many faucet waters." "Mountain Valley Water is not offered to prevent or cure any disease," though it was a mild antacid and low sodium. Some of its beneficial effects seemed to involve, simply, its properties as a liquid. Mountain Valley water was a natural diuretic that aided "kidney action." The brochure encouraged pregnant women to drink the water, because it "is often used in pregnancy and in other conditions where adequate fluid intake is encouraged. Ask your doctor."<sup>73</sup>

By the 1970s, Mountain Valley seems to have produced fewer pamphlets and brochures but still managed to get the word out via the press. The January 1974 issue of *This is Arkansas* featured an interview with John J. Downes, director of Mountain Valley. While not published by the company, it contained many of the same talking points as previous Mountain Valley publications and generally took a boosterish tone. "The water itself features an inviting, fresh taste. It is a delicious spring water that is not carbonated, not laxative and virtually free of sodium content." The piece also emphasized Mountain Valley Mineral Water's uniformity, and, thus, purity, claiming, "a comparison of analyses made 30 years apart shows unusual constancy in the water's make-up. This sameness indicates that the Mountain Valley spring does not include surface waters that are subject to pollutants and constant chemical change." At the end, the article included a new metric of healthy water: absence of bacteria. It said that, "several years" before, a Washington, D.C., newspaper had tested different bottled waters for purity. "Of the four brands of bottled water tested, one, Mountain Valley Mineral Water, was found to be completely free of

<sup>72</sup>"Diamond Anniversary: 75 Years of Better Health with Mountain Valley Water," brochure booklet (likely 1958). At his March 7, 1957 news conference, President Eisenhower proclaimed, "For a good many years the doctors—because I traveled so much and all around—have always had me on a particular water, the name I forget. I think it's Mountain Valley, as I remember." Dwight D. Eisenhower, *Public Papers of the Presidents of the United States: Containing the Public Messages, Speeches, and Statements of the President, January 1 to December 31, 1957* (Washington, DC: National Archives and Records Service, 1958), 45.

<sup>73</sup>"What you should know about Mountain Valley Water," pamphlet (likely 1960s), vertical file: Mountain Valley Water, GCHS.

bacteria. No bacteria colonies appeared on any of its six culture plates after 24 hours, 48 hours or one week of observation.”<sup>74</sup> Mountain Valley Mineral Water was thus healthy because it was seemingly less likely to make you sick than other bottled waters.

One Hot Springs *Sentinel-Record* article in 1976 reported Mountain Valley had built a dome over its source to exclude radioactive fallout and had therefore kept its water uncontaminated by human pollutants. At 105 years old, the paper reported, “the old Lockett Spring sports a plastic bubble to keep the fallout out,” meaning “all [Mountain Valley] sells is pure, clean water.” It further explained, “When the atomic fallout scare started cropping up in the latter 1940s, plans were begun to protect the spring, which presently flows at about 60 gallons a minute, from any event of radioactive contamination.” While the spring at first only had a temporary cover, by the time of the article, “a modern plastic dome atop slabs of black marble now both protect the spring and makes an attractive display. Looking through the translucent dome one can see the old Lockett Spring still bubbling faithfully through sand, just as it was when Lockett first saw it.” Hence a business that had survived, as the paper pointed out, from the Spanish-American War to the Moon landing was keeping its product unadulterated now and for the future. The *Sentinel-Record* played prophet when it expressed confidence “that if the little green men from the stars arrive here in some century hence Lockett’s Spring will still be bubbling out one of this planet’s diminishing resources—pure clean water. It may be one of the few sources left.”<sup>75</sup>

Another *Sentinel-Record* article almost a decade later reflected not only the era’s enhanced environmental consciousness but renewed interest in physical fitness and “natural” lifestyles, “The accent for 1985 seems to be on pure spring water, and with it Hot Springs moves front-and-center—the city with America’s most famous springs.” It continued, “The new wave, starting with the physical-fitness craze so evident in jogging, marathons and other forms of exercise, is evident through ‘better health through natural means,’—and this includes spa bathing” and, presumably, bottled water.<sup>76</sup>

That same year, Mountain Valley published a brochure called *The Spring* that emphasized how Mountain Valley water could keep consumers’ bodies healthy. “Too many sources of today’s drinking waters have becoming dumping grounds for waste. . . . Pure water which has never

<sup>74</sup>“Water, Water Everywhere . . . and all of it’s to drink,” *This is Arkansas*, January 1974, pp. 12-13.

<sup>75</sup>Ed Upchurch, “Dome Keeps Fallout Out,” *Sentinel-Record* (Hot Springs, AR), September 19, 1976, pp. 1, 26.

<sup>76</sup>“Mountain Valley answers demand,” *ibid.*, February 10, 1985, p. 12-D.

been exposed to man-made contaminants offers escape from this plague of the late Twentieth Century.” The brochure emphasized that out of the tiny percentage of the world’s water that is fresh, “a [further] tiny fraction comes from springs, which retain a mystical appeal for health benefit acquired long before drug therapy took over, plus their reputation for purity. However, because of the worldwide spread of pollution it’s risky to drink untested water from any source.” But, due to the steps Mountain Valley had taken, consumers could expect their product to be free of fallout and also, adding a new concern, acid rain. Emphasizing the superior mineral content in their water, the brochure said, “calcium in water is rarely utilized [by the body]. Researchers were surprised to discover that the calcium in Mountain Valley was utilized.” And, if the health claims were not convincing enough, the brochure included a cartoon of a doctor telling a sick man, “JUST WATER!” The cartoon elaborated, “*What was ‘Man’s first medicine’? Water.* Natural springs of consistent goodness became focal points for health resorts. Some, popular today, are thousands of years old.”<sup>77</sup> For all the change in emphasis, permanence, nature, and health remained important to Mountain Valley’s advertising more than a century after the company’s advent.

While Mountain Valley may have backed off of many earlier claims of its water’s curative properties, the company still advertises itself and thinks of itself in terms of purity and health. A 1986 evaluation by geologists Kenneth F. Steele and Leslie E. Mack claimed that bubbling Mountain Valley Spring Water was about 3500 years old, that is to say it had been underground long enough to “pre-date virtually all anthropogenic pollution problems.”<sup>78</sup> This unblemished purity, now scientifically quantified, remains important to the company. In an *Arkansas Democrat-Gazette* article reporting on Mountain Valley’s 140<sup>th</sup> anniversary celebration in 2011, Chief Executive Officer Breck Speed declared, “We have authentic natural spring water, and that’s good for the label readers. We have zero secrets.”<sup>79</sup> By invoking “label readers,” Speed clearly implied that anyone health-conscious enough to look at food labels would see that Mountain Valley is a healthy water. In 2014, Speed suggested, in the words of a reporter, “the future of bottled water is bright in a world where people

<sup>77</sup>Later, the publication discussed in great detail “The ABC’s of Minerals in Our Bodies” and how every mineral in Mountain Valley water affects human health. It also called water, “The Ultimate Skin Moisturizer.” *The Spring* (1985), cover, pp. 4, 10, 16-19.

<sup>78</sup>Kenneth F. Steele and Leslie E. Mack, “A Model for Management of Local Ground Water Supplies—Mountain Valley Spring,” *Proceedings of the Focus Conference on Southeastern Ground Water Issues: October 6-8, 1986* (Westerville, OH: Water Well Journal Publishing Company, 1986), 97, 102.

<sup>79</sup>Wayne Bryan, “A Natural Flow: Spring-Water bottler celebrates 140 years,” *Arkansas Democrat-Gazette* (Little Rock), November 20, 2011, pp. 1T, 4T.

want to know what is NOT in their water.”<sup>80</sup> And in 2016, after a branding makeover, Mountain Valley’s website again emphasized the absence of harmful ingredients rather than positive healing qualities. The company proudly proclaimed itself, “Conveniently located near absolutely nothing at all.” One of Mountain Valley’s distributor’s descriptions of the spring’s location read like it was letting consumers in on a secret when it said, “Our mountain range may not be the most well-known, but we like it that way. The Mountain Valley’s hidden, wooded location helps ensure the area remains untouched. Our obscurity is a blessing. Parking decks, gas stations, and strip malls are all conveniently located elsewhere.”<sup>81</sup> To the present, the company defines itself in terms of natural purity and health, advertising to consumers that Mountain Valley water is good for bodies because it comes from unadulterated, natural environments. Tellingly, perhaps, the name of the product shifted from Mountain Valley Mineral Water to Mountain Valley Spring Water.

As long as Euro-Americans have been settled in the area, the spring waters that effervesce from the ground have meant healthy living. Yet, ideas of how the spring waters promoted healthy bodies have changed over time. Still, the Mountain Valley Spring Water Company has consistently tried to transmute this conflation of the natural world and human health into profit, a sort of modern-day alchemy that turned water into gold. It has been mostly successful in this endeavor. In 1997, the Hot Springs *Sentinel-Record* reported that, at the “Toast to the Tap: International Water Tasting and Competition” at Coolfont Resort (Berkeley Springs, West Virginia), Mountain Valley Spring Water had tied for first place (out of thirty-four entrants) in the water tasting competition. Mountain Valley came in second (out of eight) in the sparkling water competition. The Associated Press report explained, “The water-tasting contest is similar to wine-tasting. Judges examine, sniff and taste samples and rate them on appearance, odor, flavor, mouth feel and aftertaste. But it is the

<sup>80</sup>Michelle Cole, “Quaff the Elixir: Tracing the History of America’s Favorite Spring Water,” *Ouachita High Country*, Summer 2014, pp. 48-49. Cole explained her title: “The waters were reputed to heal a multitude of maladies, from indigestion to rheumatism. As non-natives began to settle the area, ‘quaff the elixir’ became the siren call of the heart of the Ouachita mountain range and marketing easy-to-quaff spring water became a business that thrives still today.”

<sup>81</sup>“Order the Mountain Valley Spring Water,” Mountain Valley Spring Water, [www.mountainvalleyspring.com/spring-water](http://www.mountainvalleyspring.com/spring-water) [first quotation]; “About the Source,” Mountain Valley Water of Carbondale, [www.mountainvalleycarbondale.com/spring-water/4684277](http://www.mountainvalleycarbondale.com/spring-water/4684277) (accessed December 7, 2018) [second quotation]. Permanent links available at <https://perma.cc/3Y5Y-4JXY> and <https://perma.cc/UQR8-6SXX>. Mountain Valley used to have the same quotation on its website, but that portion of the website has since been changed: [www.mountainvalleyspring.com/about-the-source](http://www.mountainvalleyspring.com/about-the-source) (accessed November 4, 2016).

water without taste or smell that wins bragging rights.”<sup>82</sup> Clearly, then, something more than advertising was at work. No matter its health claims, and no matter their accuracy, Mountain Valley water had been lauded for its high quality.

Perhaps the fairest evaluation of Mountain Valley’s water and its claims came from Judge John B. Sanborn of the Eighth Circuit Court in 1957, when he said:

[I]t should be said that no suggestion has been made that the water in suit is adulterated or is not a wholesome, natural mineral spring water, suitable for human consumption. The Federal Food and Drug Administration, which the claimants evidently regard as unjustifiably intermeddling in their affairs, does not see eye to eye with them in regard to many of their representations of the curative, remedial, medicinal and dietary properties of the water. Some of these representations are unquestionably fanciful, and some, no doubt extravagant. It seems unfortunate that the water should not be sold for what it is and in conformity with the applicable regulations of the Federal Food and Drug Administration.<sup>83</sup>

This article argues the same thing. Even though Mountain Valley has passed its sesquicentennial, the company’s reputation as a premium bottled water company remains strong. It has taken pride in preserving the natural wholesomeness of its product and the environment that produces that product. Some of its past health claims concerning its water, however, proved difficult to swallow.

The company experienced two shifts in its health claims, roughly at the same time as the company’s two FDA lawsuits. The first shift saw Mountain Valley move from far-fetched claims of the water naturally healing diseases to finding specific qualities in the water that could produce desirable health effects. After the second FDA libel case in the 1950s, whether the company “won” the case or not, Mountain Valley abandoned its position that its spring water could cure a variety of illnesses and ailments, such as arthritis. Mountain Valley’s focus on its water’s natural purity being good for human health remained, but was now tied to concerns for a clean environment and “natural” foods. Perhaps the company’s biggest success has been to adapt to changing times while continuously marketing “healthy” and “natural” water for almost a century and a half.

<sup>82</sup>“Mountain Valley water tops,” *Sentinel-Record*, February 25, 1997, vertical file: Mountain Valley Water, GCHS.

<sup>83</sup>Case Number 26597, pp. 220-221.