

4273. Adulteration and misbranding of coffee. U. S. v. Christus P. Nicholoulis (Greek-Arabian Coffee Co.). Plea of guilty. Fine, \$15.
(F. & D. No. 6675. I. S. No. 2408-h.)

On September 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Christus P. Nicholoulis, trading as the Greek-Arabian Coffee Co., New York, N. Y., alleging the sale by said defendant on June 21, 1913, under a guaranty that the article of food was not adulterated or misbranded within the meaning of the Food and Drugs Act, of a quantity of coffee which was an adulterated and misbranded article of food within the meaning of said act, and which said article, in the identical condition in which received, was, on or about July 11, 1913, shipped by the purchaser thereof from the State of New York into the State of Ohio in violation of the Food and Drugs Act. The product was labeled: "King Othon Coffee Three Kinds Beans, Ground and Pulverized Turkish Style Packed Airtight in Tin Cans by Greek Arabian Coffee Company New York, U. S. A. Greek Arabian Coffee Company Cream Mocha trade mark Absolutely Pure Guaranteed by Greek Arabian Coffee Co. under the Food and Drugs Act June 30, 1906. Serial No. 41955." (Statements in Greek and picture of man in Greek costume.)

Examination of a sample of the product by the Bureau of Chemistry of this department showed it to be principally, if not entirely, Santos. No evidence of fancy Mocha as indicated on the label was detected.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, a mixture of coffees other than Mocha, had been substituted, in whole or in part, for cream Mocha which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cream Mocha" and "Absolutely Pure," regarding the article and the ingredients and substances contained therein, were false and misleading, in that they indicated that said article was pure Mocha, whereas, in truth and in fact, said article was not pure Mocha, but was, to wit, a mixture of coffees other than Mocha containing little, if any, Mocha. Misbranding was alleged for the further reason that the article was labeled "Cream Mocha" and "Absolutely Pure" so as to deceive and mislead the purchaser into the belief that said article was pure Mocha, whereas, in truth and in fact, it was not pure Mocha, but was a mixture of coffees other than Mocha, containing little, if any, Mocha.

On September 28, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15.

CARL VROOMAN, *Acting Secretary of Agriculture.*