

14362. Alleged adulteration of olive oil. U. S. v. Elias Germack and George Henzorian (Armenian Importing Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 16412. I. S. No. 5091-t.)

On December 27, 1922, 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 Elias Germack and George Henzorian, copartners, trading as Armenian Importing Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, on or about June 4, 1921, from the State of New York into the State of Massachusetts, of a quantity of olive oil which was alleged to be adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the said article purported to be.

It was further alleged in the information that the article was misbranded, in that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

On May 16, 1923, the case came on for trial before the court and a jury, and the jury returned a verdict of not guilty.

W. M. JARDINE, *Secretary of Agriculture.*

14363. Adulteration of chocolate concentrate. U. S. v. 2½ Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 18613. I. S. No. 15991-v. S. No. E-4817.)

On April 23, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ gallons of chocolate concentrate, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Jack Beverages, Inc., from New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate * * * Jack Beverages, Inc. * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On September 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14364. Adulteration and misbranding of savin oil. U. S. v. Magnus, Mabee & Reynard. Tried to the court and a jury. Verdict of guilty. Fine, \$400. (F. & D. No. 19248. I. S. No. 4611-v.)

On January 30, 1925, 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 Magnus, Mabee & Reynard, a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on June 14, 1923, from the State of New York into the State of Ohio, of a quantity of savin oil which was adulterated and misbranded. The article was invoiced as oil savin.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was sold as oil savin, whereas it was a product composed in large part of oil other than savin oil.

Misbranding was alleged for the reason that the article was composed in large part of oil other than savin oil prepared in imitation of savin oil and was offered for sale and sold under the name of another article, to wit, oil savin.

On May 18, 1925, the case came on for trial before the court and a jury. After the submission of evidence, arguments by counsel and instructions by the court, the jury retired and after due deliberation returned a verdict of guilty. The court thereupon imposed a fine of \$400 against the defendant company.

W. M. JARDINE, *Secretary of Agriculture.*