

**ALLEGED VIOLATION:** At various times between 9-18-51 and 4-28-52, the defendants, with the intent to defraud and mislead, sold and offered for sale quantities of colored oleomargarine which was not properly labeled.

The indictment alleged also that the defendants, since September 1, 1951, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together, and with each other, and other persons, to violate 407 of the Act, and that it was a part of such conspiracy that the defendants, with intent to defraud and mislead, would unlawfully sell colored oleomargarine which was not properly labeled.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, Sol Abramson, on 4-25-52, delivered a quantity of oleomargarine to Temp-Tee Foods, Inc., at 514 Westchester Ave., Bronx, N.Y.; and that all the defendants sold quantities of colored oleomargarine on 4-26-52 and 4-28-52.

**CHARGE:** 407(b)(3)—the label of the article failed to bear (a) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and (b) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and 407(b)(4)—each part of the contents of the package was not contained in a wrapper which bore the words "oleomargarine" or "margarine" in type or lettering not smaller than 20-point.

**PLEA:** Guilty.

**DISPOSITION:** 11-21-56. Corporation—\$7 fine which was remitted; Alpert—probation for 2 years; 12-20-56, Abramson—3 year jail sentence suspended and probation for 3 years.

**25339. Oleomargarine.** (F.D.C. No. 37254. S. Nos. 24-164 L, 37-280/2 L, 38-025 L, 38-554 L, 49-736 L.)

**INDICTMENT RETURNED:** 8-2-54, S. Dist. N.Y., against Henry N. August, Belleville, N.J.

**ALLEGED VIOLATION:** The indictment alleged that the defendant and co-conspirators, Sol W. Abramson and Louis Alpert, since January 1, 1952, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together and with other unknown persons to commit an offense against the United States, namely, to sell and offer for sale colored oleomargarine in violation of 407(b)(3). It was charged as part of the conspiracy that the defendant and co-conspirators would, with intent to defraud and mislead, sell and offer for sale colored oleomargarine in packages not bearing labels on which appeared the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and a full and accurate statement of all the ingredients contained in such oleomargarine.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, on 4-15-52, received from co-conspirator, Louis Alpert, a number of unlabeled cartons containing a mixture of colored oleomargarine and butter.

**PLEA:** Guilty.

**DISPOSITION:** 5-28-56. Probation for 3 years.