

Issued March 5, 1914.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2744.

(Given pursuant to section 4 of the Food and Drugs Act.)

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**U. S. v. Magnus, Mabee & Reynard. Plea of guilty. Fine, \$50.**

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### ADULTERATION AND MISBRANDING OF OIL OF SASSAFRAS.

On February 28, 1913, 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 December 21, 1910, from the State of New York into the State of North Carolina, of a quantity of oil of sassafras which was adulterated and misbranded. The product was labeled: "Oil Sassafras, Natural. Magnus & Lauer, New York, U. S. Serial No. 1245."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Specific gravity, 25/25° C., 1.0905; optical rotation, +0.480°; refractive index, 20° C., 1.5355; distills between 224–229° (uncorrected); phenols, trace; phenols and FeCl<sub>3</sub>, dirty dark green; phenols odor, empyreumatic; no acids or saponification numbers. Adulteration of the product was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, oil of sassafras, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia official at the time of investigation and shipment, and although the standard of said article differed from that determined by the test laid down in said Pharmacopœia for oil of sassafras, its standard of strength, quality, and purity was not plainly stated on the bottle, box, and container thereof. Adulteration was alleged for

the further reason that a substance, to wit, impure safrol, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and in that a substance, to wit, impure safrol, had been substituted in part for the article. Misbranding was alleged for the reason that the label and package of the article bore a statement, to wit, "Oil Sassafras," which was false and misleading, in that said statement misled and deceived the purchaser into the belief that the product was genuine oil of sassafras, conforming to the standard of said article, whereas, in truth and in fact, it was a mixture of oil of sassafras and impure safrol. Misbranding was alleged for the further reason that the statement "Oil Sassafras," borne on the label and package, was false and misleading because it misled and deceived the purchaser into believing that the product was genuine oil of sassafras, whereas, in truth and in fact, it was a mixture of oil of sassafras and impure safrol. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Oil Sassafras," said article by such label purporting to be genuine oil of sassafras, whereas, in truth and in fact, it was a mixture of oil of sassafras and impure safrol.

On May 22, 1913, the defendant company entered a plea of guilty to the information, and on May 23, 1913, the court imposed a fine of \$50.

C. F. MARVIN,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 14, 1913.*

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