

Issued March 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2745.

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

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

ADULTERATION AND MISBRANDING OF OIL OF SWEET ORANGE

On November 4, 1912, 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, Maybee & Reynard, a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on June 30, 1911, from the State of New York into the State of Georgia, of a quantity of oil of sweet orange which was adulterated and misbranded. The product was labeled: "Oil Orange Sweet H. P. Magnus & Lauer. Packed expressly for Hirsch & Pigman, Wholesale Druggist, Savannah, Ga. U. S. Serial No. 1245. 4 oz. Net Weight. x x x"

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Net weight, 3.774 ounces; shortage, 5.6 per cent; specific gravity, 15.6/15.6° C., 0.8498; refractive index 20°, 1.4723; optical rotation 20° (sodium light), 89.19°; alcohol (boiling point 79-80°), 1.05 per cent by volume; citral (Hiltner), 1.19 per cent; total aldehydes (Chace), 2.06 per cent; refractive index 10 per cent residue from vacuum distillation (20°), 1.4810; this sample appeared to be adulterated with alcohol and a lemon oil product. Adulteration of the product was alleged in the information for the reason that a substance, to wit, a mixture containing ethyl alcohol and a lemon oil product, had been mixed and packed therewith in such a manner as to reduce, lower, and injuriously affect its quality and strength, and in that a substance, to wit, a mixture containing ethyl alcohol and a lemon oil product, had

been substituted wholly or in part for said article, to wit, sweet oil of orange. Misbranding was alleged for the reason that the label and package of the product bore a statement regarding it and the ingredients and substances contained therein, to wit, "Oil Orange Sweetened," which said statement was false and misleading in that it created and conveyed the impression that the product was orange oil sweet, whereas, in truth and in fact, it was a mixture of ethyl alcohol and a lemon oil product. 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 Orange Sweet," thereby purporting to be a genuine orange oil sweet, whereas, in truth and in fact, it was a mixture containing ethyl alcohol and a lemon oil product. Misbranding was alleged for the further reason that the package and label of the article bore a statement, to wit, "4 oz. Net Weight," which said statement was false and misleading, because it misled and deceived the purchaser into believing that the product weighed 4 ounces net, whereas, in truth and in fact, it weighed less than 4 ounces net. Misbranding was alleged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "4 oz. Net Weight," thereby purporting to weigh 4 ounces net, whereas, in truth and in fact, it weighed less than 4 ounces net. Misbranding was alleged for the further reason that the product was in package form and the contents thereof were stated in manner and form aforesaid upon the label and package in term of weight, that is to say, "4 oz. Net Weight," it thereby being represented that the contents weighed 4 ounces net, whereas, in truth and in fact, said contents were less than 4 ounces net.

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

C. F. MARVIN,

Acting Secretary of Agriculture.

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

2745

