

For Immediate Release
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FEDERAL GRAND JURY INDICTS ALBUQUERQUE MAN ON FEDERAL CHARGES FOR ADULTERATING YOGURT WITH SEMEN

ALBUQUERQUE – United States Attorney Kenneth J. Gonzales announced that, on July 13, 2011, a federal grand jury sitting in Albuquerque returned an indictment charging **Anthony Garcia**, 32, with adulterating food with semen and making false statements to federal investigators during a criminal investigation. The indictment was unsealed late yesterday afternoon following Garcia’s arrest by the U.S. Food and Drug Administration (FDA) and the Albuquerque Police Department (APD). Garcia, an Albuquerque resident, is scheduled to make his initial appearance in federal court in Albuquerque at 9:30 a.m. this morning.

The two-count indictment charges Garcia with (1) adulteration of food; and (2) making false statements during the course of a federal investigation. If convicted on the adulteration of food offense, Garcia faces a maximum penalty of three years’ imprisonment, a \$250,000 fine, and a year of supervised release. If convicted of making false statements, Garcia faces a maximum penalty of five years’ imprisonment, a \$250,000 fine, and three years of supervised release.

The FDA is charged with responsibility for protecting the health and safety of the American public by enforcing the Federal Drug and Cosmetic Act (FDCA) and ensuring that food sold for human consumption is safe and fit for consumption. According to the indictment, under the FDCA, food becomes adulterated if it is “filthy, putrid or decomposed ... or if it [is] otherwise unfit” for human consumption. Count 1 of the indictment alleges that, on January 25, 2011, Garcia caused yogurt that was being held for sale to become adulterated within the meaning of the FDCA because the yogurt contained semen.

Count 2 of the indictment alleges that, during a March 8, 2011 interview with FDA

investigators, Garcia talked about an event that occurred on January 25, 2011 during which he provided a customer with a spoon containing what he represented to be a taste of yogurt at a grocery where he was working. According to the indictment, Garcia falsely stated to FDA investigators that he did not know what the spoon contained when in fact Garcia knew that the spoon contained semen.

In announcing the indictment, United States Attorney Gonzales said, “The conduct alleged in this indictment is outrageous. No one should have to endure this type of experience simply because she or he accepts a food sample while shopping for groceries. This indictment sends a clear message that my Office will work with its law enforcement partners to vigorously pursue those who deliberately adulterate foods for the purpose of causing harm to innocent consumers, or as malicious pranks, or for deviant sexual gratification.”

“This indictment demonstrates the commitment of the Food and Drug Administration to protect American consumers from adulterated food,” said Special Agent in Charge Patrick J. Holland of FDA’s Office of Criminal Investigations, Kansas City Field Office. “American consumers must have confidence that their food is safe and fit for consumption, and those who cause food to be adulterated must understand that the FDA will ensure that they are prosecuted and punished to the full extent of the law.”

The case was investigated by the FDA and APD, and is being prosecuted by Supervisory Assistant United States Attorney Fred J. Federici.

Charges in indictments are only accusations. All criminal defendants are presumed innocent until proven guilty beyond a reasonable doubt.

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