

Issued July 15, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 453, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about June 23, 1909, the Lucca Olive Oil Importing Company, a corporation of New York, N. Y., shipped from the State of New York to the State of New Jersey a quantity of alleged olive oil labeled "Prodotti di Olii—Olio Soprafino—Francescani Brand—Olive Oil and Salad Oil." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Lucca Olive Oil Importing Company, and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was adulterated within the meaning of the act, because it contained no olive oil whatever but merely cottonseed oil substituted wholly for said olive oil, and because said cottonseed oil was colored in a manner to conceal its inferiority, and further charging that the product was misbranded, because the label upon the can in which it was shipped bore the words "Prodotti di Olii—Olio Soprafino—Francescani Brand" in large type, and in small type the words "Olive Oil and Salad Oil," in such a manner as to give the impression to a purchaser that the contents of

said can were pure olive oil of a high quality, or at least olive oil of a high quality mixed with cottonseed oil, whereas in truth and in fact the contents of said can were cottonseed oil, colored in a manner to conceal its inferiority, containing no olive oil whatever.

The defendant entered a plea of guilty to this information on April 6, 1910, and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D C., *May 23, 1910.*

