

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 953, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "SALAD OIL."

On or about September 8, 1910, J. Henry Smith, doing business under the firm name and style of Peter Smith & Sons, Detroit, Mich., shipped from the State of Michigan into the State of Indiana a quantity of a food product labeled: "Nero Brand Salad Oil. The best for salads and mayonnaise. Put up expressly for Peter Smith & Sons, Detroit, Grand Rapids, Indianapolis." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: specific gravity at 15.6° C., 0.92317; index of refraction at 25° C., 1.4704; iodine number, 110.2; Halphen test positive, about 2 per cent. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said J. Henry Smith and the party from whom the sample was procured were afforded opportunities for hearing. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with the statement of the evidence upon which to base a prosecution.

On February 24, 1911, a criminal information was filed in the District Court of the United States for the Eastern District of Michigan against the said J. Henry Smith, charging the above shipment and alleging that the product so shipped was adulterated because it contained oil other than olive oil, the term "salad oil" prima facie meaning olive oil. The information also alleged the product to be misbranded because it was labeled as above set forth, which label was such as to lead the purchaser to believe the product to be a pure olive oil of high quality when, in truth and in fact, it was an adulterated product, because cottonseed oil had been substituted in part for olive oil.

On March 7, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the court imposed a fine of \$5 and costs.

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., *June 13, 1911.*

953

