

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1501.

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

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On May 8, 1911, the United States Attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ernest Silvestri, late of the district aforesaid, engaged in business under the name of The Oil Importing Co., alleging shipment by him, in violation of the Food and Drugs Act, on or about August 10 and August 14, 1909, from the State of Ohio into the State of Missouri of consignments of olive oil which were adulterated and misbranded. The product in both consignments was labeled: "Extra Fine Olive Oil Lucca, Italy. Olio D'Oliva Torricelli Brand Marca Depositata."

Analysis by the Bureau of Chemistry of this Department showed the following results: (I. S. No. 15219-b) Halphen test for cottonseed oil, positive; comparing this oil with mixtures of known composition, I should judge that there was about 6 per cent cottonseed oil in this sample; iodine number of oil, 97.09. (I. S. No. 11245-b) Halphen test, positive; iodine number, 97.20; refractive index at 29° C., 1.4680; the iodine number and refractive index show that from 35 per cent to 45 per cent of cottonseed oil is present in this sample. The information alleged that the product was adulterated for the reason that it contained a substantial quantity of cottonseed oil so mixed and packed with olive oil as to reduce and lower and injuriously affect the quality and strength of the said olive oil, for which it had been substituted in part, and was misbranded for the reason that the label attached to the original package containing the product was false, misleading, and deceptive, in that it would deceive and mislead the purchaser to believe that the said article and product was an extra fine olive oil of Torricelli brand made in Lucca, Italy, whereas in truth and in fact the product was a mixture of olive and cottonseed oils of domestic manufacture. Counts 1 and 2

of the information charged adulteration and misbranding respectively as to the shipment made August 10, 1909, and counts 3 and 4 charged adulteration and misbranding respectively as to the shipment made August 14, 1909.

On October 13, 1911, the defendant entered a plea of guilty as to the first count of the information and was sentenced to pay a fine of \$25 and costs. Nolle prosequi was entered as to the remaining counts.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 29, 1912.*

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