

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1540.

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

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On July 21, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Nicholaou, St. Louis, Mo., alleging shipment by him, in violation of the Food and Drugs Act, on or about August 21, 1910, from the State of Missouri into the State of Oklahoma of a consignment of olive oil which was adulterated and misbranded. The product was labeled: "Diana Olive Oil. Mixed with Cotton Seed Oil. Prepared and Guaranteed by H. Nicholaou, St. Louis, Mo. under the Food and Drugs Act, June 30, 1906." "Diana Olive Oil." "Diana Olive Oil. 206 South 6th Street, St. Louis, Mo." (In Greek, translated as follows): "Charal Nicholaou. Importer Greek and Italian products. In our establishment are sold all the varieties of groceries consistent with honor. Wholesale and retail orders executed throughout all parts of the United States."

Examination of the product, made by the Bureau of Chemistry of this Department, showed the following results: Index of refraction at 25° C., 1.4687; iodine number, 99.68; cottonseed oil according to Halphen test, at least 50 per cent; Renard test, negative; Villavechia, negative. Adulteration was alleged in the information for the reason that the product contained and consisted of at least 50 per cent of cottonseed oil, which said cottonseed oil had been substituted in a large part for genuine olive oil and had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength, and in a manner whereby inferiority was concealed. Misbranding was alleged for the reason that the label on the can containing said product conveyed the impression and led the purchaser thereof to believe that the product was pure olive oil, and this impression and belief was created by the statements on the label, to wit, "Diana Olive Oil," which statements appeared in large and conspicuous type on four sides of said can in which the product

was packed, while the words "Mixed with cottonseed oil," which appeared in small, inconspicuous, and almost illegible type, could not be easily read and would be unnoticed and overlooked by the purchaser thereof; and the labels upon the product were, therefore, false and misleading and would lead the purchaser to believe that the product was pure olive oil, when, in truth and in fact, a large part of the product was cottonseed oil; and said labels bore a statement regarding the substance and product contained therein which was false and misleading in that it stated in large and conspicuous type that the product was olive oil, when, in truth and in fact, it consisted in a large part of cottonseed oil, and the part of the label stating that the product was mixed with cottonseed oil was in small and broken type and was so obscured and inconspicuous and illegible as not to be noticed by the purchaser thereof.

On March 21, 1912, the defendant entered a plea of guilty and a fine of \$10 and costs was imposed on the count of adulteration, and \$10 on the count of misbranding.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 11, 1912.*