

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1697.

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

ADULTERATION AND MISBRANDING OF SO-CALLED OLIVE OIL.

On February 16, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said district, holding a district court, a libel for the seizure and condemnation of 60 cans, each containing one gallon, so-called "Extra Fine Lucca Cream Table Oil" remaining unsold in the original unbroken packages in the possession of George F. Schutt, New Ebbitt House, Washington, D. C., alleging that the product had been shipped from the State of Maryland into the District of Columbia, on or about February 1, 1912, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Fine Lucca Cream Table Oil McCormick, Thomas & Co., Baltimore, Md., U. S. A." "This Cream Table Oil is especially prepared for Salads and table use; its flavor and taste is pronounced excellent by the best Hotels and Restaurants in the United States and Canada, who have used it for many years. Our guarantee goes with every can."

Adulteration was alleged in the libel for the reason that the labels on the product imported that it was an olive oil and a pure olive oil, whereas it was not an olive oil nor entitled to be so called, but that a substance, to wit, cottonseed oil, had been substituted for olive oil, whereby the quality and strength of such product had been reduced, lowered, and injuriously affected. Adulteration was further charged for the reason that the product was not an extra fine Lucca cream table oil but was a mixture in which a substance, to wit, cottonseed oil, had been substituted in whole or in part for table oil. Misbranding was alleged for the reason that the product bore labels contain-

ing statements which signified and imported that the product was an oil manufactured in the province of Lucca, Italy, and thereby purported to be a foreign product, when, in truth and in fact, it was not a foreign product nor imported into the United States but was a cottonseed oil manufactured in the United States. Misbranding was further alleged for the reason that the labels and brands upon the product contained statements which were false and misleading because they signified and imported that the product was an olive oil, and, moreover, a pure olive oil, when, in truth and in fact, it was not an olive oil nor a pure olive oil, but a mixture containing cottonseed oil.

On May 2, 1912, Sebastian F. McCormick and Rudolph C. Thomas, copartners, trading as McCormick, Thomas & Co., claimants, having entered their appearance and filed their plea and answer consenting to a decree and having paid the costs of the proceedings, judgment of condemnation and forfeiture was entered and it was further ordered that upon the execution of bonds by said claimants in the sum of \$200, in conformity with section 10 of the Act, the 52 cans of the product that had been seized should be released and delivered to said claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *July 31, 1912.*

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