

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2081.

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

MISBRANDING AND ALLEGED ADULTERATION OF SO-CALLED OLIVE OIL.

On June 20, 1912, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of four cases, each containing 12 gallons of so-called extra fine olive oil, remaining unsold in the original unbroken packages and in possession of Guzzetto Bros., 123 South Third Street, Easton, Pa., alleging that the product had been shipped on or about December 6, 1911, from the State of New York into the State of Pennsylvania and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Guzzetto Bros., Easton, Pa. G. Localio & Co., New York. Olive Oil." (On cans) "Extra Fine Olive Oil, Lucca, Italy, Olio D'Oliva, Torricelli Brand, Marca Depositata," and initials "T. B." in the form of a monogram, the principal label on each of the said tin cans also bearing coat of arms of Tuscany, branches of olive tree, and picture of spreading eagle.

Adulteration of the product was alleged in the libel for the reason that the cans containing the product purported by their labels to contain pure olive oil, but on the contrary a certain substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, cottonseed oil, had been substituted wholly or in part for olive oil. Misbranding was alleged for the reason that each of the cans containing the product was labeled as set forth above, by virtue of which label the product was represented to be a foreign product, to wit, a product which had been imported into the United States from a foreign country, to wit, Italy, whereas in truth and in fact it had not been imported into the United States from a foreign country but was a product which had been wholly or in large part produced in the United States of America. Misbranding was alleged for the further reason that the product by

its labels purported to be a pure olive oil but on the contrary it was not pure olive oil but was a mixture of olive oil and cottonseed oil.

On July 12, 1912, Guzzetto Bros., claimants, having consented thereto, judgment of condemnation and forfeiture was entered, the court finding the product misbranded. It was further ordered that the product should be released and delivered to said claimants upon payment by them of the costs of the proceedings, amounting to \$29.03, and the execution of a bond in the sum of \$250, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1912.*

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