

7750. Adulteration and misbranding of olive oil. U. S. * * * v. Dominano Sclafani and Lorenzo Marinello (D. Sclafani and L. Marinello). Plea of guilty. Fine, \$150. (F. & D. No. 12309. I. S. Nos. 12366-r, 12367-r.)

On April 21, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dominano Sclafani and Lorenzo Marinello, copartners, dealing as D. Sclafani and L. Marinello, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on August 12, 1918, from the State of New York into the State of Ohio, of quantities of so-called olive oil which was misbranded. One brand of the oil was labeled, "Cotton Seed Oil Flavored With Olive Oil" (design) "Tipo Termini Imerese Net Contents Full Gallon," and the other brand was labeled "Finest Quality Table Oil" (design) "Tipo Termini Imerese cottonseed oil slightly flavored with olive oil Oicilia-Atalia 1 Gallon Net."

Analysis of a sample of each brand of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cottonseed oil and was short volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding of one brand of oil was alleged for the reason that the statements, to wit, "Olive Oil," in conspicuous type, "Tipo Termini Imerese," "Net Contents Full Gallon," not corrected by the statement in small type, "cottonseed oil flavored with," together with the design and device of an olive tree and natives gathering olives, borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, and that each of the cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, and that each of the cans contained 1 gallon net of the article, whereas, in truth and in fact, the article was not olive oil, but was a mixture composed in whole or in part of cottonseed oil, and each of said cans did not contain 1 gallon net of the article, but did contain a less amount.

Misbranding of the other brand of oil was alleged for the reason that the statements, to wit, "Finest Quality Table Oil," "Tipo Termini Imerese," "Oicilia-Atalia," together with the design and device of an olive tree and natives gathering olives, not corrected by the statement in inconspicuous type, "cottonseed oil slightly flavored with olive oil," and "One Gallon Net," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained 1 gallon net of the article, whereas, in truth and in fact, the article was not olive oil, but was a mixture composed in large part of cottonseed oil, said product was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 gallon net of

the article, but did contain a less amount; and for the further reason that the statements, designs, and devices aforesaid purported said article to be a foreign product, when not so.

Misbranding of each of the brands of oil was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1920, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$150.

E. D. BALL, *Acting Secretary of Agriculture.*