

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 244, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about May 5, 1909, Pasquale de Vivo shipped from New York City to Hoboken, N. J., a consignment of oil labeled as follows: "La Bella di Sorrento Brand Pasquale de Vivo Olive Oil." A sample from the above shipment was procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act, the said Pasquale de Vivo and the party from whom the sample was procured were afforded opportunities for hearings, and as it appeared, after hearings held, that the above shipment was made in violation of the aforesaid act, the Secretary of Agriculture reported the facts to the Attorney General, together with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Pasquale de Vivo in the United States Circuit Court for the Southern District of New York charging that the oil shipped as aforesaid was adulterated because cottonseed oil was substituted in part for the olive oil and because said article was colored with a certain dye whereby its inferiority was concealed, and further charging that the said oil was misbranded because the label upon the can in which it was shipped bore the statement "Olive Oil," which was false and misleading, for the reason that the oil contained in said can was not olive oil, but a mixture of olive and cottonseed oils. The defendant pleaded guilty to the information on January 5, 1910, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 28, 1910.*

