

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 617, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about October 13, 1909, Marchesini Brothers, New York, N. Y., shipped from the State of New York to the State of Pennsylvania 13 cases containing assortments of various sized cans containing alleged olive oil, which cans were labeled "Italian Produce superfine olive oil, F. Bertolli, Tuscany, Italy," the cases containing said cans being labeled "Olive Oil, extra quality, F. Bertolli, Lucca." An analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the fact to the United States attorney for the Eastern District of Pennsylvania. In due course a libel was filed in the District Court of the United States for said district against the said 13 cases of olive oil, charging the above shipment and alleging that the product so shipped was adulterated, in that cotton-seed oil had been mixed and packed with the olive oil contained in the product so as to reduce and lower the quality and strength of said olive oil; and in that cotton-seed oil had been substituted in part for the said olive oil; and alleging the product to be misbranded, in that it was labeled so as to deceive and mislead the purchaser thereof, said label being as above set forth, when in truth and in fact said packages did not contain superfine olive oil as therein represented but a mixture of olive oil and cotton-seed oil; and in that the said 13 cases were labeled so as to deceive the purchaser, because the product contained in said cases was not "olive oil, extra quality," as alleged in the labels on said cases, but was a mixture of olive oil and cotton-seed oil. Thereupon G. Mangini & Son, Philadelphia, Pa., consignees of the product, entered their appearance and filed a claim to eight cases of the product, which were all that the marshal was able to seize on the monition issued in this case.

The case came on for hearing, and the court being fully informed in the premises issued its decree, finding that the said eight cases of the product so seized were adulterated and misbranded as set forth in said libel, and condemning same, with a proviso, however, that the marshal of said district should deliver said eight cases of the product to said claimants upon the payment of all costs of these proceedings and the execution of a bond in the sum of \$400, conditioned that the said eight cases of the product in question should not be sold or otherwise disposed of contrary to the provisions of the above-mentioned act. Said costs having been paid and bond furnished in accordance with the terms of this decree, the said eight cases of the product referred to above were forthwith delivered to said claimants.

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

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 26, 1910.*

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