

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 634, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about April 17, 1909, Concetta Palma, doing business as the Lucca Olive Oil Importing Company, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Olio d'Olivia Colombo Brand Marca Depositata. Cotton seed oil. Olive Oil. Compound. Lucca Olive Oil Importing Company, New York. N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Lucca Olive Oil Importing Company and the party from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Concetta Palma, doing business as the Lucca Olive Oil Importing Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the label aforesaid on the container thereof was false and misleading as regards the ingredients or substances contained therein because the words "Olio d'Olivia" and "Olive Oil" appeared in large type, and the statement "Cotton seed oil" appeared thereon in very fine and indistinct type, which fact would mislead the purchaser into believing that the contents of said cans were pure olive oil, whereas in truth and in fact it was a mixture of cotton seed and olive oil, the cotton seed oil constituting over 50 per cent. of the mixture.

On September 15, 1910, the defendant entered a plea of guilty to the above information, and the court suspended sentence.

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., *October 6, 1910.*

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