

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 654, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about November 3, 1909, Marchesini Brothers, New York, shipped from the State of New York to the State of Massachusetts a quantity of alleged olive oil contained in a can upon which was the following label: "Olio Per Insalata-Sopraffino Melillo Brand, Compound Olive Oil and Cotton Salad Oil. Serial No. 9663." Samples from 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 thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Marchesini Brothers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said 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 against the said Marchesini Brothers in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product so shipped was misbranded in that the label aforesaid regarding contents of said can was false and misleading and intended to deceive and mislead the purchaser, because said label indicated that the contents of said can were pure olive oil, whereas in truth and in fact they consisted almost wholly of cottonseed oil; and in that said label indicated the contents of said can to be a foreign product, to wit, a product of the Kingdom of Italy, whereas in truth and in fact the contents were in large part manufactured in the United States of America.

On April 14, 1910, the defendants entered a plea of guilty to the above information and the court imposed a fine of \$100.

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 21, 1910.*

