

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1698.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED ADULTERATION AND MISBRANDING OF OLIVE OIL.

On December 5, 1910, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Peter N. Nikolopoulos, Salt Lake City, Utah, alleging shipment by him, in violation of the Food and Drugs Act, on or about January 26, 1910, from the State of Utah into the State of Nevada, of a consignment of olive oil which was alleged to have been adulterated and misbranded. The product was labeled: "Salad Oil."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Index of refraction at 25° C., 1.4723; iodine number, 105.8; Halphen test, positive; peanut-oil test, negative; sesame-oil test, negative; odor and taste indicate presence of some olive oil. This case was reported for prosecution upon a charge of adulteration only. Adulteration was charged in the information for the reason that the product was alleged not to have been olive oil, but a product consisting very largely of cottonseed oil and but a trace of olive oil, and that cottonseed oil had been mixed and packed with the product so as to injuriously affect its quality, and that said cottonseed oil had been substituted in part for olive oil and that the product was adulterated in the manner hereinbefore alleged in that thereby its strength and purity were below the professed standard and quality for which it was sold and that substances had theretofore been substituted for the professed contents thereof. Misbranding was charged in the information for the reason that defendant was alleged to have intended to publish and have it understood by said mark and label that the product was pure olive oil and that the product was claimed by defendant to contain olive oil, and, so labeled and branded, was, by reason of the facts

hereinbefore alleged, misbranded and mislabeled so as to deceive or mislead the purchasers thereof.

On March 20, 1911, the defendant entered a plea of not guilty. On April 4, 1911, he was permitted to withdraw his plea and filed a demurrer to the information on September 4, 1911; on September 11 the demurrer was overruled by the court and the case was set for trial November 13, 1911. On September 30, 1911, the defendant entered a plea of not guilty. On November 14, 1911, the case came on for trial before the court and jury and a verdict of not guilty was returned by the jury.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *July 31, 1912.*

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