

3509. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, \$25. (F. & D. No. 4953. I. S. No. 2978-d.)

At the June, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 11, 1912, from the State of New York into the State of Rhode Island, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled: "Tripoli Brand (Trade Mark—Girl holding Italian flag, followed by soldiers with Italian flag, standing upon map of Tripolitania) Olio Puro Italiano di Oliva."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Iodin number..... 105.6
 Halphen test: Very strong.
 Cottonseed oil, as shown by iodine number and Halphen test: Present to an extent of at least 90 per cent.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance, to wit, domestic cottonseed oil, had been substituted wholly or in part for Italian olive oil, which said article purported to be.

Misbranding was charged for the reason that the statement "Olio Puro Italiano di Oliva," appearing on the label aforesaid, regarding the article and the ingredients and substances therein contained, was false and misleading, in that it indicated that the article was genuine Italian olive oil, whereas, in truth and in fact, it was not genuine Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Olio Puro Italiano di Oliva," thereby indicating that said article was pure Italian olive oil, whereas, in truth and in fact, it was not pure Italian olive oil, but was a mixture of olive oil and domestic cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was not a foreign product, nor a product of Italy, but was a domestic product.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914.*