

4611. Adulteration and misbranding of olive oil. U. S. v. Frances Spadaro et al. (Spadaro & Co.). Plea of guilty. Fine, \$25. (F. & D. No. 6942. I. S. No. 1377-k.)

On February 28, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, against Frances Spadaro and Vincent C. Spadaro, copartners, trading under the firm name of Spadaro & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on October 12, 1914, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was adulterated and misbranded. The article was labeled: (On front and back) (Representations of medals and olives) "Rinomati Oleifici Spadaro" (Representation of crown and bear and lion dancing) "Italia Prodotti Italiani Olio Extrafino Net contents 1½ lb. 6¼ oz." (On two sides) "The contents of this can is guaranteed blended oil by Spadaro & Co. limited, Under the Pure Food Law Act June 30, 1906—Serial No. 55301—."

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

Specific gravity, 15.6° C./15.6° C.....	0.9200
Index of refraction at 25° C.....	1.4707
Iodin number.....	98.54
Halphen test.....	Positive.
Sesame oil test.....	Negative.
Net weight (ounces).....	26.80
	27.15
	27.35
Average net weight (ounces).....	27.10
Shortage (per cent).....	11.40
	10.25
	9.59
Average shortage (per cent).....	10.42

Product was a mixture of cottonseed and olive oil and was short weight.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, or lower, and injuriously affect its quality and strength, and had been substituted, in whole or in part, for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Prodotti Italiani Olio Extrafino," together with the design of olive branches borne on the label of the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was genuine olive oil, and was such as to deceive and mislead the purchaser into the belief that it was genuine olive oil, whereas, in truth and in fact, it was not, but was a mixture consisting, in whole or in part, of cottonseed oil prepared in imitation of olive oil. Misbranding was alleged for the further reason that the article was an imitation of olive oil and was not labeled, branded, or tagged, so as plainly to indicate that it was an imitation, and the word "imitation" was not plainly stated on the package in which the article was offered for sale. Misbranding was alleged for the further reason that the statement, to wit, "Prodotti Italiani Olio Extrafino," together with the design of olive branches borne on the label of the article, indicated that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, whereas, in truth and in fact, it was not, but was a product of domestic origin, to wit, a mixture consisting, in

whole or in part, of cottonseed oil, produced in the United States of America. Misbranding was alleged for the further reason that the statement, to wit, "Net contents 1½ lb. 6¼ oz.," borne on the label, regarding the article, was false and misleading in that it indicated that the can contained 1½ pounds, 6¼ ounces of the article, and was such as to deceive and mislead the purchaser into the belief that it contained 1½ pounds, 6¼ ounces of said article, whereas, in truth and in fact, it did not contain 1½ pounds, 6¼ ounces, but did contain a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of said package.

On April 7, 1916, a plea of guilty was entered on behalf of the defendant firm, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*