

## United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15251-15300

[Approved by the Secretary of Agriculture, Washington, D. C., January 21, 1928]

**15251. Adulteration and misbranding of olive oil. U. S. v. 16 Gallons, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20086, 20121. I. S. Nos. 24524-v, 24968-v. S. Nos. E-5314, E-5337.)

On May 27 and June 12, 1925, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16 gallons and 1 case containing 24 half-gallon tins of olive oil, remaining in the original unbroken packages, in part at New Haven, Conn., and in part at Hartford, Conn., alleging that the article had been shipped by Pace & Sons, Providence, R. I., in various consignments, on or about October 1, 1924, February 28, and May 9, 1925, respectively, and transported from the State of Rhode Island into the State of Connecticut, and charging adulteration and misbranding with respect to a portion of the product and misbranding with respect to the remainder thereof, in violation of the food and drugs act as amended. The article was labeled in part: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Full Gallon (or "Contents One Half Gallon")." A portion of the article was further labeled: "This oil is our own production and is guaranteed to be pure under any chemical analysis. It is used for \* \* \* medicinal use."

Adulteration of the half-gallon cans of the article was alleged in the libel for the reason that cottonseed and sesame oils had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding of the said half-gallon cans of the article was alleged for the reason that the labeling bore certain statements as follows: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Half Gallon Packed in Italy \* \* \* This oil is our own production and is guaranteed to be pure under any chemical analysis \* \* \* for \* \* \* medicinal use," which statements led the purchaser to believe that the product was as represented, when in truth and in fact it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it purported to be a foreign product when in fact it was a product of domestic manufacture packed in the United States.

Misbranding of the gallon cans of the article was alleged for the reason that the label bore the statement "Contents One Full Gallon," which statement led the purchaser to believe that the article was as represented, when in truth and in fact it was not, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*