

6606. Adulteration and misbranding of olive oil. U. S. * * * v. Nickitas P. Economou and Nicholas Theodos (N. P. Economou & Theodos). Pleas of guilty. Fine, \$30. (F. & D. No. 7687. I. S. No. 13654-r.)

On March 21, 1919, 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 Nickitas P. Economou and Nicholas Theodos, copartners, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on July 5, 1918, from the State of New York into the State of New Jersey, of a quantity of an article labeled in part, "Olio Puro D'Oliva Lucca Tipo Italy Net Contents Full Gallon," which was adulterated and misbranded.

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

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|------------------------------------|--------|
| Net weight (grams)----- | 3,275 |
| Net volume (cc)----- | 3,558 |
| Shortage (per cent)----- | 6 |
| Specific gravity at 20°/20° C----- | .9205 |
| Iodin number----- | 111.2 |
| Refractive index at 15.6° C----- | 1.4745 |
| Halphen test: Positive. | |

Examination shows product to consist almost entirely of cottonseed oil. Cans also are short volume.

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 and lower and injuriously affect its quality and strength, and had been substituted in part for pure olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statements, to wit, "Olio Puro D'Oliva Lucca, Italy, Net Contents Full Gallon, Garantito Produzione Propria," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that it was a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, and that each of said cans contained 1 full gallon net of the article, whereas in truth and in fact it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and was not a foreign product, to wit, an olive oil produced in Lucca, in the kingdom of Italy, but was a domestic product, to wit, a product produced in the United States of America, and each of said cans did not contain 1 full gallon net of the article but contained a less amount; and for the further reason that it was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole or in part in the United States of America, and was branded as manufactured and produced in Lucca, in the kingdom of Italy; and for the further reason that it was a mixture composed in part of cottonseed oil prepared in imitation of olive oil and was sold under the distinctive name of another article, to wit, olive oil; and for the further reason that the article by statements on the label purported to be a foreign product when not so. Misbranding of the

article was alleged 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 April 2, 1919, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$30.

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