

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1819.

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

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#### MISBRANDING OF OLIVE OIL.

On May 7, 1912, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 62 cases, each containing 48 quart cans, and 40 cases, each containing 96 pint cans, of olive oil remaining unsold in the original unbroken packages and in possession of the Spratlen-Anderson Mercantile Co., a corporation, Denver, Colo., alleging that the product had been shipped from the District of Columbia into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The product was labeled, in part: (On cases containing quart cans) "48 quarts" (representation of can bearing the following wording) "Pompeian Brand, extra Virgin Lucca Olive Oil. What H. E. Kalusowski, Dean of the National College of Pharmacy, Washington, D. C., says: This specimen of olive oil is pure and of a high quality. H. E. Kalusowski. Product of Italy. We guarantee Pompeian Olive Oil to be absolutely pure. Guaranteed by the Pompeian Company, Washington, D. C., under the Pure Food and Drugs Act, June 30, 1906. Serial number 16569." (On cans) "One (Picture of olive branch) Quart Pompeian Brand Extra Virgin Lucca Olive Oil." The 40 cases containing the pint cans bore a label similar to that on the cases containing the quart cans, with the exception that instead of "48 quarts" the 40 cases were each labeled "96 pints." The pint cans were labeled, in part: "One (picture of olive branch) Pint Pompeian Brand Extra Virgin Lucca Olive Oil."

Misbranding was alleged in the libel for the reason that the product was in package form and the contents of the cases were stated in

terms of measure, but were not correctly stated for the reason that the cases were branded, respectively, as follows: "48 quarts Pompeian Brand Extra Virgin Lucca Olive Oil" and "96 pints Pompeian Brand Extra Virgin Lucca Olive Oil," and that the cans were branded and marked upon each can "One quart" and "One pint," respectively, whereas in truth and in fact said cans did not contain one quart each of olive oil or one pint each of olive oil, as by the label and brand was indicated, purported, and intended, but instead contained a much smaller amount. Misbranding was alleged for the further reason that the labeling and branding of the product was misleading and false, and so worded as to deceive and mislead purchasers into believing that the cans labeled as containing one quart contained one full quart of olive oil, and the cans labeled as containing one pint contained one full pint of olive oil, whereas in fact the cans purporting to contain one quart and one pint, respectively, did not contain one quart or one pint each, but, instead, a much smaller amount.

On June 8, 1912, the Spratlen-Anderson Mercantile Co., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of the costs of the proceedings, taxed at \$55, and the execution of bond in the sum of \$2,000 by said claimant in conformity with section 10 of the Act, the product should be released and delivered to the claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 17, 1912.*

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