

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1821.

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

MISBRANDING OF SO-CALLED OLIVE OIL.

On May 11, 1912, the United States Attorney for the Eastern District of Pennsylvania, 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 5 cases, 3 of which each contained 12 one-gallon cans, and 2 of which each contained 48 quart cans of so-called olive oil, remaining unsold in the original unbroken packages and in possession of the Pennsylvania Railroad Co. at its Pier No. 10, Philadelphia, Pa., alleging that the product had been shipped on or about May 7, 1912, from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "C. W. & B. Co., 213 South Tenth St., Philadelphia from DeSiano Italiano Wine Oil Co., 233 E. 29 St., New York." (On retail packages) "Lucca Olive Oil Compounded with Cottonseed Oil Extra Quality Imported and Packed by De Siano & Grosso". Label also bore representation of female figure bearing an olive branch. Upon reverse side the retail packages bore initials "G S D." The words "Compounded with Cottonseed Oil" were printed so inconspicuously as not to be discernible without close observation.

Misbranding was alleged in the libel for the reason that by virtue of the label and brand on the product it was represented to be a foreign product, to wit, a product which had theretofore been imported into the United States by De Siano & Grosso, whereas, in truth and in fact, it had not theretofore been imported into the United States by said De Siano & Grosso, but was a product which had been wholly or in large part produced in the United States of America.

On June 14, 1912, decree of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

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

64069°—No. 1821—12

