

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1868.

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

MISBRANDING OF OLIVE OIL.

On April 27, 1912, the United States Attorney for the Southern District of Ohio, 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 20 cases, each containing 96 so-called pint cans of olive oil remaining unsold in the original unbroken packages in possession of the George Bobb & Sons Co., Columbus, Ohio, alleging that the product had been transported from the District of Columbia into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "96 Pints. Olive Oil added to your diet will add years to your life. Product of Italy." "96 Pints Product of Italy." (On cans) "One Pint Pompeian Brand Extra 1 Virgin Lucca Olive Oil * * * Pompeian Olive Oil is guaranteed by the Pompeian Co., Washington, D. C., under the Food Drugs Act, June 30, 1906. Serial Number 18569-A. * * * *."

Misbranding was alleged in the libel for the reason that the product was put up in package form and the contents of each can were stated on the labels on each can and on each case in terms of weight or measure as being one pint each, whereas in truth and in fact each can did not contain one pint of olive oil, but contained at least 2 per cent less than that amount.

On May 25, 1912, the Pompeian Co., of Washington, D. C., claimant, having paid all costs of the proceedings, amounting to \$26.29, and having entered into bond in conformity with section 10 of the Act, fixed by the court at \$800, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 28, 1912.*

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