

**3502. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, \$25.** (F. & D. No. 4704. I. S. No. 15374-d.)

At the April, 1914, term of the District Court of the United States for the Southern District of New York the jurors of the United States within and for the said district, after presentment by the United States attorney for said district, upon a report by the Secretary of Agriculture, returned an indictment against Paolo Manganelli, New York, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on March 14, 1912, from the State of New York into the State of Massachusetts, of a quantity of alleged olive oil which was adulterated and misbranded. The product was labeled "Lucca Oliv Oil—Compounded with Cottonseed Oil—Extra Quality (Trade mark—Woman bearing olive branch) Imported and Packed By."

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

Specific gravity at 15.5° C.....	0.9202
Refractive index.....	1.4740
Iodin number.....	109.7
Free fatty acids, as oleic (per cent).....	0.14
Halphen test: Strong.	
Cottonseed oil: Present.	
Villavecchia test: Negative.	
Sesame oil: None.	

The specific gravity, refractive index, and iodine number are all above the range for the constants of olive oil and are within the limits for cottonseed oil.

The Halphen test positively shows cottonseed oil to be present in large amount.

Adulteration of the product was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with the article aforesaid, so as to reduce and lower and injuriously affect its quality and strength and for the further reason that a substance, to wit, a mixture of olive oil and cottonseed oil, had been substituted in part for the pure olive oil which the article purported to be.

Misbranding was charged for the reason that the statement "Lucca Oliv Oil \* \* \* Imported and Packed By," appearing on the label in prominent type, was false and misleading, in that it conveyed the impression that the product was imported olive oil, whereas, in truth and in fact, it was a mixture of olive oil and cottonseed oil of domestic production, and, further, in that the false impression created by the statement aforesaid was not sufficiently corrected by the words "Compounded with Cottonseed Oil," appearing in smaller type on the label aforesaid. Misbranding was charged for the further reason that the product was labeled and branded so as to deceive and mislead the purchaser, being labeled "Lucca Oliv Oil \* \* \* Imported and Packed By," thereby creating the impression that the product was the pure olive oil, whereas, in truth and in fact, it was not pure olive oil, but was a mixture of olive oil and cottonseed oil. Misbranding was charged for the further reason that the product purported to be a foreign product, being labeled "Lucca Oliv Oil \* \* \* Imported and Packed By," thereby creating the impression that it was a foreign product, to wit, that it came from Italy, whereas, in truth and in fact, it was not a foreign product, nor did it come from Italy, but it was an article of domestic production.

On July 15, 1914, the defendant entered a plea of guilty to the indictment and the court imposed a fine of \$25.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *December 31, 1914.*