

It appearing from the aforesaid analyses that the milk was adulterated, the Secretary of Agriculture gave notice to the respective parties and gave them an opportunity to be heard, but the said parties having failed to show any fault or error in the result of the said analyses and it being determined that the milk was adulterated, the said Secretary, on February 17, 1909, reported the facts and evidence to the Attorney-General, by whom they were referred to the United States attorney for the eastern district of Wisconsin, who filed informations against the aforesaid defendants, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*

(N. J. 133.)

ADULTERATION AND MISBRANDING OF OLIVE OIL.

(A MIXTURE OF COTTONSEED AND OLIVE OILS.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 15th day of June, 1909, in the circuit court of the United States for the eastern district of Louisiana, in a prosecution by the United States against King Brothers, Shilstone & Saint (Limited), a corporation of New Orleans, La. (F. & D. No. 295), for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Louisiana to Texas an article of food labeled "Balbiani & Cie. Huile d'Olive Superfine Raffinee," which was adulterated and misbranded within the meaning of sections 7 and 8 of the act, the said defendant having entered a plea of guilty, the court imposed upon it a fine of \$10 and costs.

The facts in the case were as follows:

On January 28, 1908, an inspector of the Department of Agriculture purchased from Ullman, Stern & Krausse, Galveston, Tex., a sample of oil contained in bottles upon the principal label of which was printed "Balbiani & Cie. Huile d'Olive Superfine Raffinee," and upon a supplemental label, "This product is a compound of salad oil and imported olive oil, packed by King Bros., Shilstone & Saint, Ltd., New Orleans, La." On the back of each bottle was a label printed in Italian, French, and English to the effect that the oil of the new firm of Balbiani & Cie. was guaranteed free from mixture. This sample was a part of a shipment made on or about October 29, 1907, by the manufacturers, King Brothers, Shilstone & Saint (Limited), from New Orleans, La., to said Ullman, Stern & Krausse. The sample was analyzed in the Bureau of Chemistry of

the United States Department of Agriculture, and the following results obtained and stated:

Specific gravity (15.5° C.)	-----	.92207
Index refraction (15.5° C.)	-----	1.4731
Iodin number	-----	104.89
Halphen test	-----	Positive.
Villavecchia test	-----	Negative.
Renard test	-----	Negative.
Adulterant	-----	Cottonseed oil.

It was evident from this analysis that the article was a mixture of cottonseed oil and olive oil, the former predominating. It was therefore adulterated within the meaning of section 7 of the act, in that cottonseed oil had been substituted in part for olive oil, which it purported to be, and cottonseed oil had been mixed with olive oil so as to reduce its quality and strength, and was misbranded within the meaning of section 8 of the act, in that the statements and representations on the labels that it was olive oil and a foreign and imported article produced by a foreign company, Balbiani & Cie., and guaranteed free from mixture, were false, misleading, and deceptive. The statement on the supplemental label that the product was packed by King Brothers, Shilstone & Saint (Limited) did not cure the false, misleading, and deceptive character of the principal and secondary labels, since the packing of the oil by King Brothers, Shilstone & Saint could not be inconsistent with the representation that the oil was produced in a foreign country by a foreign company, nor was the statement on the label that it was a compound of salad oil and imported olive oil true, because the usual acceptation of the term "salad oil" does not include cottonseed oil.

It appearing from the aforesaid analysis that the article was adulterated and misbranded, the Secretary of Agriculture gave notice to Ullman, Stern & Krausse, the dealer from whom the sample was purchased, as well also as to the manufacturer and shipper, King Brothers, Shilstone & Saint (Limited), and gave them an opportunity to be heard. King Brothers, Shilstone & Saint being the party solely responsible for the adulteration and misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was adulterated and misbranded, on December 30, 1908, the said Secretary reported the facts and evidence to the Attorney-General, by whom they were referred to the United States attorney for the eastern district of Louisiana, who filed an information against the said King Brothers, Shilstone & Saint, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 10, 1910.*