

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 397, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about March 17, 1909, Gaetano Marchesini, trading under the firm name of Marchesini Brothers, of New York, N. Y., shipped from the State of New York to the State of Texas a consignment of a food product labeled "Soprafino F. P. Lucca Picinini Brand Distributed by Marchesini Bros. N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Gaetano Marchesini, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was misbranded, in that each can was labeled "Soprafino F. P. Lucca Picinini Brand Distributed by Marchesini Bros. N. Y.," with the words "Olio D'Oliva" in large type partly covered with a sticker upon which in small letters were the words "The original contents of this package constitute a compound packed in New York, U. S. A. Guaranteed under the National Pure Food Law. Serial No. 9663," and a picture consisting of two female figures representing America and Italy and a picture of two branches of an olive tree with the fruit of the olive thereon, which form of label was false and misleading and calculated to deceive and mislead the purchaser, in that it would indicate that the contents of the said can was Lucca Olive Oil, whereas, in truth and in fact, the contents of said can was not Lucca olive oil but consisted for the most part of cottonseed oil.

On April 14, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1910.*

