

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 574, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about February 11, 1909, Jacob Cusimano, Albert J. Cusimano, and Leon Tujague, trading as the Cusimano & Tujague Company, New Orleans, La., shipped from the State of Louisiana to the State of Texas a consignment of a food product labeled: "Olio Puro D'Oliva Guarantito Torelli Brand Pure Olive Oil."

Samples of this product 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 thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Cusimano & Tujague Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the above 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 Eastern District of Louisiana against the said Cusimano & Tujague Company, charging the above shipment, and alleging that the product shipped as aforesaid was adulterated, in that there had been substituted for the genuine article—olive oil—another substance, to wit, cotton-seed oil, and in that there had been mixed and packed with the olive oil another substance, to wit, cotton-seed oil, so as to reduce, lower, and injuriously affect the quality and strength of the former, and alleging the product to be misbranded, in that the label above set forth was false and misleading, and such as to deceive and mislead the purchaser into believing the product to be pure olive oil, whereas in truth and in fact it was not pure olive oil, but was a mixture of olive oil and cotton-seed oil, in which cotton-seed oil was the larger and principal ingredient; in that the label on the article in question was meant and intended and calculated to convey, and did convey, the impression that the article was pure olive oil,

which was false, since the said article was a mixture of olive oil and cotton-seed oil; and in that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil.

Upon arraignment the defendant company pleaded guilty and the court imposed a fine of \$10 and costs.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 20, 1910.*

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