

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 751, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about March 4, 1910, Farrington & Whitney, a corporation, New York City, shipped from the State of New York into the State of Texas a quantity of olive oil labeled "½ American gallon Finest Lucca Oil." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Farrington & Whitney, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 against the said Farrington & Whitney, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label of said product was false and misleading and was labeled as aforesaid, so as to deceive and mislead the purchaser; in that said label indicated that the contents of the can contained one-half American gallon, whereas, in truth and in fact, it was 8.8 per cent short in volume.

On November 7, 1910, the defendant entered a plea of guilty to the above information and the court suspended sentence.

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., *February 2, 1911.*

