

3507. Adulteration and misbranding of alleged olive oil. U. S. v. Paolo Manganelli. Plea of guilty. Fine, \$25. (F. & D. No. 4914. I. S. Nos. 15351-d, 15352-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 presentation 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 June 25, 1912, from the State of New York into the State of Massachusetts, of a quantity of alleged olive oil which was adulterated and misbranded. Part of the product was labeled: "Olive Oil Specialty From Lucca (Trade mark—coat of arms) Lucca Olive Oil—G. A. Santoro Brand."

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

Index of refraction at 25° C.....	1.4703
Iodin number (Hanus).....	105.1
Halphen test for cottonseed oil: Positive.	

Another portion of the consignment was labeled: "Baron del Bosco (Trade mark—coat of arms) Italy—Extra Fine—Olive Oil—Guaranteed Absolutely Pure."

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

Cottonseed oil: Present.	
Sesame oil: Absent.	
Index of refraction at 15.5° C.....	1.4727
Specific gravity at 15.5° C.....	0.9245
Iodin number.....	104.9

Adulteration of the products was charged in the indictment for the reason that a substance, to wit, cottonseed oil, had been mixed and packed with the articles aforesaid, so as to reduce and lower and injuriously affect their 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 articles purported to be.

Misbranding of the products was charged in the indictment for the reason that the statements "Olive Oil" and "Extra Fine Olive Oil," respectively, appearing on the labels, were false and misleading in that they conveyed the impression that the article was 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 these products were labeled and branded so as to deceive and mislead the purchaser, being labeled "Olive Oil" and "Extra Fine Olive Oil," respectively, thereby creating the impression that the article was 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 of the first sample of the product referred to was further charged in the indictment for the reason that it purported to be 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 was an article of domestic production. Misbranding of the other sample of the product was further charged in the indictment for the reason that it purported to be a foreign product, being labeled "Baron del Bosco Italy Extra Fine Olive Oil," thereby creating the impression that the article 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.

It was further charged in the indictment that on February 26, 1912, a criminal information was filed in the United States District Court for the Southern District of New York, charging said defendant with the violation of the Food and Drugs Act, and that on April 1, 1912, the defendant entered a plea of guilty to said information and was sentenced to pay a fine of \$50.

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

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

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