

# From Law to Urban Legend, and *Vice Versa*: Creative Food Counterfeiting in Early Modern Spain

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**ABSTRACT.** This text takes on common urban legends related to food forgery in order to find ground in legal texts. While literature is keen on food counterfeiting and perpetuates common topics, there seems to be more than a taste for literary expression: town cries and ordinances are eloquent in pointing out elaborate methods to manipulate certain foods, some of which coincide to what were believed to be cultural myths.

**KEYWORDS:** Food forgery, urban legends, food ordinances, food in literature, taboo.

**RESUMEN.** Este texto se aproxima a conocidas leyendas urbanas relacionadas con la falsificación de alimentos para encontrar su base en textos legales. Si bien en la literatura son frecuentes las menciones a comida manipulada, estas parecen ser más que una repetición de lugares comunes: pregones y ordenanzas abundan en métodos muy elaborados de alteración de ciertos alimentos, algunos de los cuales coinciden con lo que hasta ahora entendíamos como mitos culturales.

**PALABRAS-CLAVE:** Falsificación de alimentos, leyendas urbanas, ordenanzas alimentarias, comida en literatura, tabú.

*If people saw how it is made, no one would ever eat it.*  
(Ibn ‘Abdun, XI<sup>th</sup>-century Seville)

Sometimes I have back-to-back classes at my university, so I resort to some «All Natural Strawberry Yogurt» nutrition bars, which taste pretty good. I pay 0.99¢ per bar excluding taxes, and each bar contains 200 calories, which means it costs me 0.00495¢ per calorie. So I thought to myself, «how is “Abbott Nutrition” making money?». My first idea was volume sales: «Abbott Nutrition» is a division of Abbott Laboratories, a NYSE listed company capitalized at 81.63 billion dollars. It is not the largest pharmaceutical of its kind, but my little bar has a lot of exposure, as it can be found in most supermarkets in the US and on the internet. They must sell a large number of bars, that is for sure, but distribution, manufacturing and packaging do not quite account for its meager 0.99¢ price tag, I reasoned. Then I turned to the visible ingredients: puffed rice and strawberry pieces. While rice is cheap, strawberries are an extremely perishable seasonal produce, and this bar is made all year round. I suspected preservatives, so I turned to the label. Well... what I thought to be cheap puffed rice are even cheaper «soy protein nuggets»; and what I thought to be strawberry pieces are «strawberry flavored cranberries». Fresh market strawberries account for 99% of all production in the US. It is more profitable to sell them as produce, as it is a 2.2 billion market. On the other hand, 95% of the mighty cranberry production, while also seasonal, is sold to be processed as juice or, in our case, to be disguised as strawberries, in a market of \$456 million. Because I was already working on this article, I was not the least surprised; Golden Age Scholars are used to recurrent cases of *déjà vu* such as this one. Whether the «manufacturer» (no legitimate baker would associate himself with this concoction) is coun-

terfeiting food is up for discussion, but it is clear that this cranberry masquerade is as cost-driven as is creatively deceptive. For some reason, strawberries are fancier than cranberries for the target consumer.





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**Nutritional Information**

Serving Size: 50 g bar

Amount Per Serving	% Daily Value**
<b>Energy, Cal:</b> 200	
<b>Energy from Fat, Cal:</b> 50	
<b>Fat, g:</b> 8	16%
<b>Saturated Fat, g:</b> 4	8%
<b>Trans Fat, g:</b> 0	
<b>Cholesterol, mg:</b> <5	<1%
<b>Sodium, mg:</b> 200	4%
<b>Potassium, mg:</b> 75	1%
<b>Carbohydrate, g:</b> 25	5%
<b>Dietary Fiber, g:</b> 3	6%
<b>Sugars, g:</b> 15	
<b>Protein, g:</b> 14	28%

Vitamins & Minerals	% Daily Value**
Vitamin A:	35%
Vitamin C:	50%
Calcium:	20%
Iron:	10%
Vitamin E:	100%
Thiamin:	25%
Riboflavin:	50%
Niacin:	45%
Vitamin B6:	50%
Folate:	20%
Vitamin B12:	35%
Biotin:	25%
Pantothenic Acid:	25%
Phosphorus:	20%
Magnesium:	10%

**Ingredients:**

Soy Protein Nuggets (Isolated Soy Protein, Tapioca Starch, Salt), Yogurt Flavored Coating (Dried Cane Syrup, Fractionated Palm Kernel Oil, Nonfat Milk, Nonfat Yogurt Powder [Cultured With Nonfat Milk], Soy Lecithin, Modified Corn Starch, Lactic Acid, Vanilla Extract), Corn Syrup, Sodium Caseinate, Gum Arabic, Strawberry Flavored Cranberries (Sugar, Cranberries, Citric Acid, Natural Strawberry Flavor with Other Natural Flavors, Elderberry Juice Concentrate, Sunflower Oil), High Oleic Safflower Oil and/or High Oleic Sunflower Oil, Fat Replacer (Dried Fruit [Plums, Dates], Grape Juice Concentrate, Fructose, Glycerine), Glycerine, Strawberry Pieces (Fruit [Apple Puree Concentrate, Strawberry Juice Concentrate], Invert Sugar, Sugar, Glycerol, Dextrose, Wheat Fiber, Palm Fat, Pectin, Malic Acid, Natural Flavor, Elderberry Concentrate).

**Less than 2% of the Following:** Natural Flavor, Guar Gum, Citric Acid.

**Vitamins & Minerals:** Calcium Phosphate, Ascorbic Acid, d-Alpha-Tocopheryl Acetate, Magnesium Oxide, Nicotinamide, Zinc Oxide, Calcium Pantothenate, Ferrous Fumarate, Pyridoxine Hydrochloride, Vitamin A Palmitate, Riboflavin, Thiamine Mononitrate, Folic Acid, Chromium Chloride, Biotin, Sodium Selenite, Sodium Molybdate, and Cyanocobalamin.

**Contains milk, soy and wheat ingredients. Manufactured in a facility that processes eggs, peanuts and tree nuts.**

Please refer to product label for most current ingredient, allergen and nutrition information.



Fig. 1.- Zone Perfect's website nutritional label and product presentation.

Never in the industrialized world has the definition of «food» been as wide as today. Food is not necessarily something nutritious we incorporate into our bodies, but anything that is digestible, non-toxic or poisonous. We all have in mind *The Gold Rush*'s scene (1925) where Charlie Chaplin eats a shoe as if it were a fish, and many historians recall the French cuisine devised by upper-scale restaurants during the Siege of Paris (1870-71), comprised of cat *ragoût* and dog cutlets. Food has its own, intricate

cultural history that runs parallel to humanity and reflects all of our species' complexities. Studies are prolific in the fields of social sciences and anthropology —especially on scarcity and hunger, profit in the food industry, processed goods and the use of pesticides and hormones— and while the «golden age» of unflinching food counterfeiting began in the XIX century (Wilson, 2008), the pre-industrial age anticipates some topics and approaches.

Food's only requirement, as historically defined in the Spanish dictionary, is sustenance, but evidently that is only the beginning of mankind's relation with it. First and foremost, there is taboo. One might think that there would be many in imperial, Catholic Spain, but that is simply not the case. As Cristóbal de Villalón unassumingly concedes, men are suited to eat all kinds of food, and pray equally on fish, birds, mammals, toads, frogs, poisonous snakes, eels, fungi, mushrooms, truffles, snails, turtles, spiders, mice, and moles. There is no need to make a distinction between textures and taxonomical origins, since anything can be disguised by a master chef with garlic, spices, pepper, oil and clover with the help of a good pot and a recipe book (Villalón, 1990: 119). That way, food closest to the ground, seemingly the most problematic, can pass as virtually anything, hinting that even in pre-industrialized societies, production is streamlined for efficiency and availability of sources.

Villalón is in line with other authors in recognizing that there are very few non-edible items: locusts were consumed in the Bible; Egyptians used to eat vipers; Assyrians, crocodiles; Africans, green lizards; Tartarians dead horses, camels, apes, cats, and dogs, preferably when stinky and full of maggots; and the Parian Indians were fond of human flesh, but also of lice, frogs, and worms (Gent, 1678: 62). Even human flesh, oneself or other's, a traditional Western taboo, became an overly recurrent topic after the discovery of America, widening the tradition of the *serranas* and wild men to fill the books of wonders, chronicles, and hagiographical texts with the most exotic accounts that would overflow to genres such as casuistry, where the legitimacy of its consumption was extensively discussed during the XVII century (Villalobos, 1637: 721). The same applies if we turn to fasting regulations in clerical texts. Whatever surpasses the throat will instantly break it, and while some authorities include scents, most limit it to solids, liquids, and smoke. Antonio de León Pinelo specifies that these do not have to be conventional foods, but anything that the agent eats as such. His is a testimony of some eating disorders which included cloth, soil, clay, coal, wax, and termite woods (León Pinelo, 1636: 38v), which enhance the menu beggars purposefully ate to become sick and look pale, according to Cristóbal Pérez de Herrera (1598: 6v). However, none of these elements, including human flesh, seems to present a problem as long as the consumer is aware of what is being eaten. The hurdle is not taboo or ritual, but non-disclosure, whether for profit or fun, cases of which can be found in Golden Age urban settings that usually drive the trends of nourishment and the imagination. Secrecy, suspicion, and privileged information are among the key components for the creation and dissemination of urban legends, together with belief, concreteness, and the presumption of reality (Pedrosa, 2004: 4-6); in the case of food, reality and fiction have seldom been closer.

We are overly familiar with Francisco de Quevedo's abundant grievances, namely, that pastry chefs «bury» dogs, horses, monkeys, cats, flies, skin flakes, and sheep's bones inside the pies (esp. in poems 631, «Éste, cuya caraza mesurada»; 646, «Santo silencio profeso»; 653, «Deseado he desde niño»; and *La hora de todos*, 1975: 115-16). Those claims are respectively equaled by Félix Lope de Vega (1982, *silva* VII: vv. 46-7) and Luis Alfonso de Carvallo (1997: 56), who accused bakers of using human corpses,

cat and horse meat disguised in pastry, or replacing pine nuts by whole flies. We must wonder, however, whether these are just urban legends or poetizations of true accounts, however seldom these might be. A Madrid ordinance from 1585 could hold a clue: item 78 states that «no pastry chef is to buy for use in his shop less than one quart or half a quart of cow or sheep, sold by butchers in a whole piece, under penance of public shame and five years of exile» (*Pregón*, 1998: 47-8). While decrees, ordinances and minutes are more than partial Golden Age historical sources (Garrido Aranda *et al.*, 1995: 172), a minimum purchase regulation could mean that, in fact, licit meat would have been «stretched» by mixing it with other free protein sources after chopping it finely by the bakers, who became experts in dislocating bodies if we are to believe Jerónimo de Barrionuevo's humorous account of an assistant who flawlessly took the place of an executioner (1892-3: 59). We must also count in the fact that cow or sheep were prone to become expensive commodities in cities under hyperinflationary times, so downsizing or mixing would have been the only alternative to baking unpalatable meatless pies to meet consumer demand. Though there is no specific law preventing certain kinds of meat, cats seem to be the most recurrent in literature, coining the proverbial «selling cat for hare».

Grinding was a customary technique for many businesses; therefore it was compulsory for those whose trade involved mixing to go through examinations. That was the case for spice sellers and confectioners, who dealt respectively with powder and liquids. Traditionally, spice sellers were to be approved by the same exam taken by surgeons, physicians and barbers, and they were forbidden to sell ground spices, whether that was saffron, clove, pepper, or any other condiment. Moors and Jews had been forbidden to obtain such licenses since the late Castilian Middle Ages for fear of secretly introducing poison in doctor's recipes or issuing their own formulas without a physician's approval (Celso, 1553: CXXXII v). Spice sellers were, overall, forbidden to sell venom, although this was no deterrent to serial poisoners such as the fifty year old woman who was caught in the act in 1654, after killing and stealing from forty seven people by getting in private kitchens and poisoning stews (Barrionuevo, 1892-93: 104). Chief confectioners, by the same token, had to be examined if they wanted to sell honey and sugar-based goods and preserves to the general public. In this instance, the fear was for liquefying honey, overstretching sugar with liquids, and thickening it with starch or flour (Garrido Aranda *et al.*, 1995: 211). We must keep in mind that sugar prices were mandated, so confectioners looked for ways to optimize the cost-to-benefit of prime materials at the expense of purity. The examiner was to make sure that sugar syrup was made at the exact proportion: not too thick, not too clear (*Ordenanzas de la ciudad de Logroño*, 1981: §93). Wine sellers were the only traders exempt from taking such exams, and were traditionally pointed at. Sebastián de Horozco scolded a bartender for watering down and straining the wine (1874: 10), a practice that had been customary throughout the European Middle Ages, as it was hard to pinpoint its degree of purity and provenance. In Spain, the denomination of «baptized» and «Moorish» wine had been long standing, even as laws against this practice sprouted throughout Europe. Carlos García on his treaty on theft explains that mixed and watered down wine was made palatable by infusing it «with a cooking mesh full of cloves, pepper, ginger and other such drugs» (1959: 84).

Although liquid, ground and powdered substances were under suspicion, the unequivocal weapon for indefinability is the pot, which, together with chocolate, becomes an infallible tool for those willing to forge food. Baptista Remiro de Navarra invents a curious etymology for pots in his 1646 novel entitled *The Dangers of Madrid*: because the

Spanish name, *cazuela*, is euphonic with «hunting», *cazar*, one can only hunt unsubstantial things inside pot -limes, cinnamon water and hazelnuts-, while the rest becomes untraceable and unrecognizable (7<sup>th</sup> danger, 1996: 133). The pot also makes several stellar appearances in picaresque novels; *The Life of Estebanillo González (Written by Himself in 1646)* refers of a nameless potage which was close to a recipe named «poorly-cooked» (*malcocinado*), made with «so many trifles, kinds of herbs, and variety of meats, without sparing any animal regardless of how disgusting and filthy» (1990: 283-4). This cheap concoction was constantly fed to soldiers, and made them equivalent to the homeless who ate the free soup in charity houses. It became unimportant whether meat dealers had specific orders not to sell putrefied meat, avoid passing female for male, and castrated for uncastrated animals (*Ordenanzas del Concejo de Gran Canaria*, 1974: 86): the pot could handle worse.

Chocolate is undoubtedly among the most counterfeited foods worldwide. Whether to guarantee the trade monopoly, to satisfy a high volume of demand, to obtain a greater margin of benefits, or to cope with the scarcity of certain varieties, it has been common to take advantage of regulation loopholes or poor supervision. A substance hard to store, chocolate generated subsidiary businesses such as snow wells, as it enhanced the pharmacist's and poisoner's arsenal, and the creativity of *chocolatiers* who used higher and lower grade cocoa as the base for mixtures adapted to taste or to cost. In went anything from powdered melon or pumpkin seeds, to brick powder (to thicken it), soil from graves (to fatten it), or bitter almonds, which are toxic when added in large quantities. Such was its popularity that in 1632 new taxes were levied on it, which could only exacerbate the quest for new combinations which would lead to the ultimate twist: a 1798 leaflet entitled *New Invention for Zamora Chocolate* announced a formula where cocoa was nowhere to be found (Dacosta, 2012: forthcoming ed.).

Not only confections, pastries, and other elaborate goods were counterfeited in urban Spain during the XVII century. Some staple foods also went under some degree of modification: At a time where puffed grains did not exist, there was puffed meat. Butchers not only swapped female for male, and uncastrated for castrated animals; they not only replaced oregano and vinegar with salt and water in sausages (Garrido Aranda, *et al.*, 1995: 208), but also craftily inflated the flesh with small canes to make it appear larger and charge more than it was worth. We could identify this as a 1619 urban legend by Carlos García (1959: 84), if not backed up by an ordinance issued thirty four years earlier: item 45, «Inflated baby goats: no goat seller is to dare sell baby goats inflated with canes or other such devices» (*Pregón*, 1998: 41). We must assume that such commodities were sold by the piece, not by weight, since measures were randomly checked and had to be exposed to the public view. The law also covered fish, prohibiting sellers to bread it: but anybody who has been to Madrid knows that even today the most popular fish recipe is «codfish, Roman style», that is, breaded. But even bread was forged at some point: «falsified biscuit», made with poor ingredients and wrongly cooked went spoiled into war ships, and had to be thrown away while navy sailors died of starvation, much to the desperation of the historian Luis Cabrera de Córdoba, who blamed this forgery for some of Philip II's defeats at sea (1998: 208). Whether this «war food» was poorly manufactured on purpose or rotted prey to humidity due to faulty storage, the result was short of scandalous.

The ultimate way of trimming food costs was to rely on scents. Aromatherapy is an ancient practice that aims at achieving different moods through the scent of plant oils. This principle went beyond the psychological, extending to nutrition. In ancient medical practice, Avenzoar recommended soaking the patient in milk when unable to



swallow, so that he would be nourished through osmosis. The smell of food alone was not prescribed by physicians like Juan Alonso de Fontecha («*odorifera qualitas sine mistione non nutrit*», 1598: 139) and Juan de Soto (1616: 78) for its nourishing capabilities, but was recommended to promote appetite and lift the spirit, and became a very popular practice in XVII-century Spain. This procedure had a long history behind, beginning with Hippocrates, and ended up leaking to books of wonders. The smell of warm bread sustained 109-year-old Democritus for four days, but Early Modern doctors recommended cooking with prime ingredients to promote faster healing. And while this would be expensive, two people could now «eat» for the price of one: one through the mouth, and the other through the nose, inhaling the nourishing vapors as many times as needed.

Going into this topic, I expected food counterfeiting to have a strong link with Catholicism, a solid ritualistic aspect, and a deep cultural foundation. Being familiar with Marvin Harris, James Frazer, Mary Douglas, and other «food scholars», I anticipated anthropological and even aesthetic ends. But looking at laws and regulations, and the practice of food traders, cooks and chefs, most are instances of mixing, grinding, dissolving, inflating, and disguising only for better yields or scarcity of commodities. There is only one dissonant voice in favor of these practices, that is of businessman Luis Saravia de la Calle, who in his 1544 manual entitled *Most Profitable Instructions for Merchants* details some cases in which adulteration is not only licit but encouraged. Saravia de la Calle stated that goods can be mixed in order to reach a lower price point and meet the demands of a wider pool of consumers, as long as the product was not harmful. He also recommended lowering the purity of some foods to make them more palatable and healthy, provided that the price was lowered accordingly and the laws followed (2000: 35v).

As we have noticed, some practices forced laws to be issued and easily found their way into literature, sometimes turning into urban legends. Due to lack of documentation, it will never be known to what extent these were common, economy-driven practices or highly publicized singular cases that would make today's tabloids and disgusting camping stories. In any case, our conclusion is clear even three hundred years later: wonder why the salad dressing is called «dressing», and make a conscious effort to always be really nice to the pizza man.

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