

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 262, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about December 16, 1909, February 10, 1910, and January 21, 1910, V. Viviano and Brothers, of St. Louis, Mo., shipped from the State of Missouri into the State of Illinois consignments consisting of 1,850 boxes, 1,950 boxes, and 1,700 boxes of macaroni, respectively. Examination of samples of these shipments made in the Bureau of Chemistry, United States Department of Agriculture, showed them to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analysts and reports made that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Northern District of Illinois.

In due course libels were filed against the said 1,850 boxes, 1,950 boxes, and 1,700 boxes of macaroni, respectively, charging the above shipments, and that the product was misbranded, in that each package was labeled "La Regina V B Artificial Coloring Spaghetti Marca di Frabbrica Register Trade Marke", together with pictorial representations and designs, which tended to give the impression that the product was manufactured and prepared for shipment in a foreign country, to wit, Italy, whereas, in fact, it was not a foreign product but manufactured in St. Louis, Mo., and praying seizure, condemnation, and forfeiture.

On February 14, February 17, and February 23, 1910, respectively, these cases came on for final hearings and in each case the court rendered its decree of condemnation and forfeiture adjudging that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and declaring it to be forfeited and confiscated to the United States and ordering its release to the claimant on payment of costs and filing of the bond with the approval of the court conditioned upon the product not being disposed of in violation of the Food and Drugs Act of June 30, 1906, or the laws of any State, Territory, or insular possession of the United States.

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., *March 18, 1910.*