

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1374.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On August 28, 1911, the United States Attorney for the District of Maryland, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 10 boxes of macaroni, found upon the premises of Joe Mascari, Baltimore, Md. The product was labeled "Super Extra Quality of Neapolitan Macaroni—Guaranteed by the manufacturer under the Pure Food and Drugs Act of June 30, 1906—Gragnano Style—Pulcinella Brand—Made as used in Italy—Registered Trade Mark".

The Bureau of Chemistry of the United States Department of Agriculture reported on this product that an inspection of the manufacturer's establishment, the Union Macaroni Co., Wilmington, Del., showed that the product was manufactured in Wilmington, Del., and was therefore of domestic origin. The libel alleged that the product, after shipment by the Union Macaroni Co. from the State of Delaware into the State of Maryland, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged because the product was labeled in a manner to indicate that it was manufactured in the Kingdom of Italy, when, in truth and in fact, the said product was manufactured in Wilmington, Del.

On October 23, 1911, the cause coming on for hearing, and no one having appeared as claimant or filed answer, the court found the product misbranded as alleged in the libel and entered a decree, condemning and forfeiting the same to the United States, and on October 28, 1911, a final decree was entered by the court, directing the sale of the product by the marshal, for the highest price obtainable, after the removal of the deceptive branding.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 31, 1912.*