

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2536.

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

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**U. S. v. Poletti, Coda & Rebecchi (Inc.). Plea of guilty. Fine, \$100.**

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### ADULTERATION AND MISBRANDING OF MACARONI.

On February 28, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Poletti, Coda & Rebecchi (Inc.), a corporation, New York, N. Y., alleging the shipment by said company, in violation of the Food and Drugs Act, on October 16, 1911, from the State of New York into the State of Massachusetts of a quantity of macaroni which was adulterated and misbranded. The product bore a label in the Italian language, which translated reads as follows: "Viacava Premium Paste factory Special Gluten Paste Italian Patent Trade Mark pastes and pastillas with eggs Patented Hygienic mechanical system."

An analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Color, Naphthol Yellow S, S and J number 4; nitrogen, 2.40 per cent; protein (6.25), 15.00 per cent; lecithin  $P_2O_5$ , 0.0198 per cent; moisture, 11.38 per cent; ether extract (unpurified), 1.125 per cent. Adulteration of the product was alleged in the information for the reason that another substance, to wit, a paste made from ordinary wheat flour and artificially colored, was mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, a paste made from ordinary

wheat flour, artificially colored, was substituted wholly for the genuine article, gluten paste with egg; and, further, in that said product was colored with a yellow coal-tar dye so as to resemble the appearance of egg in such a manner as to conceal the inferiority of the product. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading, and said product was labeled so as to deceive and mislead the purchaser thereof, in that the label would indicate that the article was a paste made from a flour containing a large amount of gluten, whereas, in truth and in fact, it was made from ordinary wheat flour; and further, in that said label would indicate that the product contained a substantial amount of egg, whereas, in truth and in fact, it contained practically no egg; and further, in that the article purported to be a foreign product, to wit, a product of Italy, whereas, in truth and in fact, it was a domestic product.

On March 17, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$100.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 25, 1913.*