

3559. Misbranding of macaroni. U. S. v. 115 Packages of Macaroni. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5576. I. S. No. 9501-h. S. No. 2107.)

On February 5, 1914, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 115 packages, each containing approximately 22 pounds of macaroni, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Pennsylvania and received at Scranton, Pa., on or about May 23, 1913, and charging misbranding in violation of the Food and Drugs Act. The product was labeled in part: "Extra Fine Macaroni—Gragnano Style—Imbriani Brand. Ditalini." The label further contained a pictorial representation of the Bay of Naples, Italy, with Mt. Vesuvius in the background. The word "Gragnano" is the name of a city near the Bay of Naples in Italy and was printed in large and prominent type, while the word "style" was printed in small and obscure type. The word "Imbriani" is the name of a famous Italian poet who was born near the Bay of Naples, Italy.

It was alleged in the libel that the labels on the said food product and general appearance of the packages in which the macaroni was contained indicated that the macaroni was of foreign manufacture, when in truth and in fact it was not [of] foreign manufacture, but was made by the Savarese Macaroni Co. in the city of Baltimore, Md.

It was further alleged in the libel that the brand and labels on the packages of macaroni were false and misleading and designed to deceive and mislead the purchaser by purporting and representing the contents of the packages to be of foreign manufacture, which in truth and in fact was not so.

On April 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*