

**4315 Misbranding of macaroni. U. S. \* \* \* v. 40 Boxes of Macaroni \* \* \*. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 3120. S. No. 1137.)**

On October 31, 1911, the United States attorney for the Southern District of West Virginia, 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 40 boxes or packages of macaroni, remaining unsold in the original, unbroken packages at Lester, W. Va., alleging that the product had been shipped and transported from the State of Delaware into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act. 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 packages were also marked with a coat of arms of foreign type, together with medals of award of Italian design.

Misbranding of the article was alleged in the libel for the reason that none of the boxes or packages contained macaroni made in Italy, as the label or markings on said boxes or packages indicated, but contained macaroni made by the Union Macaroni Co., Wilmington, State of Delaware, United States of America, and the said branding and markings on said boxes or packages were misleading and false, so as to deceive and mislead the purchaser, and were a misbranding within the meaning of the act.

On September 24, 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 destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*