

6691. Misbranding of macaroni and spaghetti. U. S. * * * v. 1,664 Cartons of Macaroni and Spaghetti. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9012. I. S. Nos. 4461-p, 4462-p, 4463-p. S. No. E-1031.)

On May 2, 1918, the United States attorney for the Eastern 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 a libel for the seizure and condemnation of 1,664 cartons, each containing 24 packages of macaroni and spaghetti, at Brooklyn, N. Y., alleging that the article had been shipped on or about March 30, 1918, by the Savarese Macaroni Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "A & P Brand Elbow Macaroni," and "A & P Brand Spaghetti."

Misbranding of the article was alleged in the libel for the reason that the statement—to wit, "Net Weight 14½ Ounces"—borne on the labels attached to the packages was false and misleading, in that it represented that the net weight of the product in each of the packages was 14½ ounces, whereas, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that it was food in package form, and the contents of each of the packages was not plainly and conspicuously marked on the outside thereof in terms of weight, measure, or numerical count.

On May 31, 1918, the Great Atlantic & Pacific Tea Co., a corporation, Brooklyn, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$3,328, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*