

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 487, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about February 11, 1910, the Atlantic Macaroni Company, Long Island City, N. Y., shipped from the State of New York to the State of Massachusetts 480 cases of macaroni, of which 115 were labeled "Macaroni Gragno Style, Luigi Mosca Brand," 115 were labeled "Angelo Stella Brand," and the remaining 250 cases were labeled "High Grade Macaroni G. DeMartini Brand." Analysis of samples of these products made in the Bureau of Chemistry, United States Department of Agriculture, showed them to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the products were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

In due course a libel was filed in the District Court of the United States for said district, charging the above shipment, and alleging the products to be misbranded within the meaning of the act, in that the 230 cases first mentioned were labeled in words in a foreign language, to wit, "Orzo," "Macaroncelli," "Qualita Extrafina," and "Spaghetti," and the remaining 250 cases were labeled in words in a foreign language, to wit, "Tagliatelline," "Perciatelli," "Mezzani," "Macaroncelli," and "Spaghetтини," which would deceive and mislead a purchaser and lead him to believe that the article purported to be a foreign product, when in truth and in fact it was manufactured in the United States, and praying seizure, condemnation, and forfeiture of the product. Whereupon the Atlantic Macaroni Company filed a claim to the ownership of the product and petitioned that, in view of its having paid the costs of the proceedings and executed and delivered a good and sufficient bond, conditioned that said 480 boxes

of macaroni should not be sold or disposed of contrary to law, the product be delivered to said claimant. The case coming on for hearing, the court entered its decree granting the petition of claimant and ordering the delivery of said cases to it, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*

