

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 652, FOOD AND DRUGS ACT.

MISBRANDING OF EGG MACARONI AND EGG NOODLES.

On or about March 25, 1910, the Cleveland Macaroni Company, Cleveland, Ohio, shipped from the State of Ohio to the State of Pennsylvania fifty cases of food product each containing twenty-four packages, each of which cases was labeled "U. S. Serial No. 415, 'Golden Egg Noodles,' The Cleveland Macaroni Co., Cleveland, O., U. S. A. Case No. 2, two dozen 10 c. packages," seventy-five cases, each containing forty-eight packages, each of which cases was labeled, "U. S. Serial No. 415, 'Golden Egg Noodles,' The Cleveland Macaroni Co., Cleveland, O., U. S. A. Case No. 1, four dozen 5c. packages;" and twenty-five cases, each containing twenty-four packages, each of which cases was labeled "U. S. Serial No. 415, 'Golden Egg Macaroni,' The Cleveland Macaroni Co., Cleveland, Ohio, U. S. A.," each of the last named unit packages being labeled, "They speak for themselves, Golden Egg Seashell Macaroni (Short Cut) The Cleveland Macaroni Co., Cleveland, O., U. S. A." Examination of samples from this shipment showed that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report made showed that the above shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania. In due course libels were filed against the said egg macaroni and egg noodles, respectively, charging the above shipment and alleging that the products so shipped were misbranded in that the labels above set forth indicated that egg, or product of the egg, was a principal ingredient of said articles of food, when in truth and in fact the said articles of food contained little or no egg material, the said cases and packages being thus labeled and branded so as to deceive and mislead the purchaser thereof with reference to the quantity of egg present in said articles of food; and praying seizure and condemnation of the product.

Thereupon said Cleveland Macaroni Company and Barber & Perkins, consignees of the products involved, filed joint answers to the above libels claiming ownership of the abovementioned products, dis-

claiming any intention of misbranding in any way said products, admitting misbranding the same, and petitioning that said products be returned to claimants upon the payment of all costs of these proceedings and the execution and delivery of a good and sufficient bond conditioned that said products should not be sold or otherwise disposed of contrary to law.

The causes coming on for hearing, the court, being fully informed in the premises, issued its decree finding the abovementioned egg macaroni and egg noodles to be misbranded as alleged in the above libels, and condemning and forfeiting the same to the United States, with a proviso, however, that the products in question should be restored to claimants upon the payment of costs and execution and delivery by them within ten days of a good and sufficient bond in the sum of \$1,000, conditioned that such products should not be sold or otherwise disposed of contrary to law. The costs having been paid, and bond furnished in conformity with the above decree, the abovementioned products were restored to claimants.

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., *October 21, 1910.*

