

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 804, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about October 25, 1910, the Trinacria Macaroni Works, Baltimore, Md., shipped from the State of Maryland into the State of West Virginia a consignment of 60 boxes of macaroni, labeled: "Trinacria Macaroni Works Pasta Extra Sicilia," with the word "style" inconspicuously placed at the bottom of the label. Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be of domestic manufacture and thus to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from report made by the Bureau of Chemistry that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 60 boxes of macaroni, charging the above shipment and alleging the product so shipped to be misbranded within the meaning of the act, in that the boxes containing said product were labeled so as to deceive and mislead the purchaser, since they purported to contain a foreign product, when, in truth and in fact, they contained a product of domestic manufacture, to wit, a product manufactured in the city of Baltimore, in the State of Maryland, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, the court being fully informed in the premises issued its decree finding the product to be misbranded as charged in the above libel and condemning and forfeiting the same to the use of the United States, and ordering its sale by the marshal of said district, with the proviso, however, that upon the payment of

the costs of these proceedings and upon the execution and delivery to the United States of America within thirty days from date of judgment of a good and sufficient bond with security to be approved by the court, in the penal sum of \$1,500, conditioned that the said 60 boxes of macaroni should not be disposed of contrary to law, the said marshal should redeliver and surrender the said product to the Clarksburg Importing Company, consignee thereof, in lieu of disposition by sale, as aforesaid.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 7, 1911.*

