

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 881, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about October 21, 1910, Ceravolo Brothers, Philadelphia, Pa., shipped from the State of Pennsylvania into the State of New Jersey a consignment of 20 boxes of macaroni labeled: "Steam Mill and Paste Factory—Neapolitan Style—San Giovanni a Teduccio. (Pictorial representations of medals of award, smoking volcano, a body of water, etc.) (Stamped thereon inconspicuously in small type the words): "Manufactured in Philadelphia." Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and it was found to be of domestic manufacture. As it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and that the said shipment was therefore 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 New Jersey.

In due course a libel was filed in the District Court of the United States for said district against the said 20 cases of macaroni, charging the above shipment and alleging the product to be misbranded in that it was labeled "Steam Mill and Paste Factory—Neapolitan Style—San Giovanni a Teduccio Brand," said labels also depicting a body of water with a smoking volcano in the distance (Bay of Naples and Mount Vesuvius), a Maltese cross, a lion, monogram inscribed "A. R." and seven medals, one of them bearing the inscription "Vittorio Emanuele III Italia," a factory, locomotive and train of cars, and stamped in light green ink in type approximately equivalent to brevier (capitals) directly above the line in an inconspicuous manner, the words "Manufactured in Philada.," all of which labels and inscriptions, delineations, and language were intended by their terms and style of display to indicate that the said macaroni was and purported to be a foreign product, when in truth and in fact it was not a foreign product but was produced in the United States of America, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing and no claim to the goods seized having been made and no answer to the allegations in said libel having been filed, the court, being fully informed in the premises, issued its decree condemning and forfeiting the product to the use of the United States for the reasons alleged in said libel.

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, *May 15, 1911.*

