

of the serial guaranty legend that said product was "guaranteed by the Pure Food Act," in that said statement gave the impression that the product was guaranteed by the Government, whereas said impression was false and misleading.

On March 4, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3378. Adulteration and misbranding of macaroni. U. S. v. 100 Boxes of Macaroni. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5509. I. S. No. 1092-h. S. No. 2073.)**

On January 7, 1914, the United States attorney for the Western District of Pennsylvania, 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 100 boxes of macaroni, remaining unsold in the original, unbroken packages at Johnstown, Pa., alleging that the product had been shipped on or about October 30, 1913, by the Massaro Macaroni Co., Fulton, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Qualita Italiana Soppraffina Vegetable Colored 22 lbs.—When packed La Nazionale Brand Macaroni Gragnano Style Forati Guaranteed under the Food and Drug Act June 30, 1906. Serial No. 38478. Made in Fulton, N. Y. Trade Mark Registered."

Adulteration of the product was alleged in the libel for the reason that it was colored so as to make it appear to be manufactured from durum semolina, whereas a flour inferior to durum semolina for macaroni-making purposes had been used. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser, that is to say, was branded and labeled "Qualita Italiana Soppraffina La Nazionale" and design imitation Italian coat of arms, and use of word "Gragnano," which indicated that it was a product of Italy, when, in truth and in fact, it was manufactured in Fulton, N. Y.

On March 19, 1914, the said Massaro Macaroni Co. (Inc.), claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution and delivery of a good and sufficient bond, in conformity with section 10 of the act, one of the conditions being that the product should be rebranded to comply with the Food and Drugs Act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3379. Adulteration of dried apples. U. S. v. 87 Sacks of Dried Apples, More or Less. Consent decree of condemnation and forfeiture as to 43 bags of the product and destruction of same ordered. Order of release entered as to 44 bags of the product. (F. & D. No. 5537. I. S. No. 6081-h. S. No. 2087.)**

On January 20, 1914, the United States attorney for the District of Maryland, 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 87 sacks of dried apples, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been transported from the