

## United States Department of Agriculture.

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

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### SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 4901-4950.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 20, 1917.]

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#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**4901. Misbranding of macaroni. U. S. \* \* \* v. 40 Boxes of Macaroni. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6977. I. S. No. 10788-1. S. No. C-371.)**

On November 3, 1915, the United States attorney for the Eastern District of Kentucky, 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 40 boxes, each containing 22 pounds, of macaroni, consigned by the Atlantic Macaroni Co., Long Island City, N. Y., and remaining unsold in the original unbroken packages at Covington, Ky., alleging that the article had been shipped and transported from the State of New York into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Macaroni, Mosca Brand, Guaranteed by Manufacturer. Serial No. 3880." (Stamped on ends of boxes in an inconspicuous manner) "Manufactured by the Atlantic Macaroni Company, Long Island City." (Stenciled on sides of boxes) "Quality Extra Fine," "22 Lbs. Net." Further stenciled with the letter "G" in a diamond and marked with a design of an Italian scene showing peasants eating macaroni and an Italian sailboat.

Misbranding was alleged in the libel in substance for the reason that said article bore statements, designs, and devices regarding it which were false and misleading in that the boxes were so labeled, branded, and designed as to make it appear that the article was a foreign product, with the purpose and intent of

deceiving and misleading the purchaser and inducing in the purchaser the belief that said article was a foreign product and of a foreign manufacture, when, in fact and in truth, it was not a foreign product, but was manufactured within the United States of America, and the said design, labels, and brands upon said boxes or packages were so made as to deceive and mislead the purchaser.

On July 15, 1916, the said Atlantic Macaroni Co., claimant, having filed its answer admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be released to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act.

R. A. PEARSON, *Acting Secretary of Agriculture.*