

**5707. Misbranding of macaroni. U. S. * * * v. 15 Cases of Macaroni.
Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 7870. I. S. No. 1061-m. S. No. E-753.)**

On November 20, 1916, 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 15 cases of macaroni, remaining unsold in the original unbroken packages at Mount Pleasant, Pa., alleging that the article had been shipped on or about August 10, 1916, by the Italian Importing Co., Elizabeth, N. J., and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Electric Factory Gran Prix Bordeaux, 1902. Giuseppe de Nicola, Manufacturer of Macaroni and Fancy Paste. Trade Mark Horse Brand. Extra Fine Quality. Naples, Italy." In addition the label bore pictorial representations of horse and gold medals.

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser; that is to say, the appearance and construction of the label conveyed the impression that the goods were of foreign manufacture, when, in truth and in fact, they were of domestic manufacture.

On August 7, 1917, 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 destroyed by the United States marshal.

C. F. MARVIN, Acting Secretary of Agriculture.