

Issued November 9, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1145.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF MACARONI.

On October 10, 1910, the United States Attorney for the Western District of Pennsylvania, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 325 boxes of macaroni found on the premises of the Pittsburgh Terminal Warehouse and Transfer Co., Pittsburgh, Pa. The macaroni was labeled: "Grande Pastificio Elettrico—Stella Doro—Produzione Mille Casse Al Giorno—Ditalini—Extra Fine—Stabilito nel 1886—Guaranteed under the Food and Drugs Act, June 30, 1906, U. S. Serial No. 5179." In addition the labels bore pictorial representations of stars, a quarter moon, and medals of award, the entire arrangement being such as to convey the impression that the product was of foreign manufacture. The only variance in the labels was that they bore the names "Ditalini", "Ditali" and "Zitti", according to the different styles.

The libel alleged that the macaroni after transportation from Ohio into the State of Pennsylvania remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, because it was so labeled or branded as to deceive or mislead the purchaser in that it purported the product to be of foreign manufacture when, in fact, it was manufactured by the Youngstown Manufacturing Co., Youngstown, Ohio, and was therefore liable to seizure for confiscation.

On July 5, 1911, the owner of the goods appeared in court, and, admitting the statement of facts as set forth in the libel and agreeing to an order of court that the goods might be declared forfeited and condemned, asked permission for the release of said goods upon his giving bond in compliance with the terms of section 10 of the aforesaid act, whereupon the court, sustaining the charge in the libel, entered a decree condemning and confiscating the product to the United States, with the proviso that upon payment of the costs and the execution of a bond by the claimant in the sum of \$500, as provided in section 10 of the aforesaid act, the goods seized be released and delivered to the owner.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., September 28, 1911.

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