

Issued May 15, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1357.

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

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### MISBRANDING OF MACARONI.

On July 23, 1910, the United States Attorney for the District of New Jersey, 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 29 cases of macaroni, in the possession of Cono Russo, Atlantic City, N. J. The product was labeled: "Molino e Pastificio a Vapore Napoletano San Giobanni a Teduccio." The labels also depicting a body of water with a smoking volcano in the distance, a maltese cross, a lion, a monogram inscribed "C," and seven medals, one of them bearing the inscription "Vittorio Emanuele III of Italia."

The Bureau of Chemistry, United States Department of Agriculture, reported that during the course of an inspection of the premises of the shipper, D. Cini, Philadelphia, Pa., on June 16, 1910, an inspector of said Bureau observed that this brand of macaroni was manufactured and labeled as indicated above, upon the premises. Misbranding was alleged in the libel against said product, for the reason that the labels, inscriptions, delineations, and language were then and there intended by the terms and style of display to indicate that the said macaroni product was and is and purported to be a foreign product, when in fact said macaroni product was not and is not a foreign product, and was produced in the United States of America; and for the further reason that the said labels were intended and calculated to deceive and mislead the purchaser.

On March 7, 1911, the case coming on for trial, the court found the product misbranded, as alleged in the libel, and entered a decree of condemnation and forfeiture, ordering it to be sold by the marshal.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 30, 1912.*