

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1368.

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

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#### MISBRANDING OF MACARONI.

On August 29, 1911, the United States Attorney for the District of Maryland, 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 fifteen boxes of macaroni, found in the possession of Antonio Mouggio, in the city of Baltimore. The product was labeled: "Rinomato Pastificio—A Vapore—G. Russo & Figli—Da Termini Imerese, Sicily—Specialita in paste alimentari, E. Glutinate Purissima Semola."

The Bureau of Chemistry of the United States Department of Agriculture, after investigation, reported that most of this product is sold to the Italian trade who have little or no knowledge of English; that the interpretation of the label is "Celebrated Steam Macaroni—G. Russo and Sons. From Termini Imerese (city) Sicily."; that there is an Italian flag on the label; that while there appears in the small yellow margin the words "Mfd. in Clevd. O." this legend is not written in full and is not sufficiently conspicuous to overcome the impression created by the general character of the label, to the effect that the product is of foreign instead of domestic origin. The libel alleged that the product, after transportation from the State of Ohio into the State of Maryland, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged because said packages were labeled in a manner to indicate that the article was manufactured in the Kingdom of Italy, when in truth and in fact said article was manufactured in Cleveland, Ohio.

On October 23, 1911, the case coming on for hearing, and no one having appeared as claimant or filed answer, the court found the

product misbranded as alleged in the libel and entered a decree condemning and forfeiting it to the United States, and on October 28, 1911, the court entered a further decree ordering the marshal, after changing the deceptive branding of the product, to sell the same at private sale for the highest price obtainable. The decree states as the reason for ordering private sale, that a public sale would require expense incident thereto which would be in excess of the amount realized on said goods.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 31, 1912.*

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