

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1811.

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

MISBRANDING OF MACARONI.

On May 17, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel for the seizure and condemnation of 79 cases of macaroni, remaining unsold in the original unbroken packages and in possession of Nicholas Tambascia, 116 Seventh Street N. E., Washington, D. C., alleging that the product had been shipped on May 10, 1912, by the Maryland Macaroni Co., Baltimore, Md., and transported from the State of Maryland into the District of Columbia, and charging misbranding, in violation of the Food and Drugs Act. The product was labeled: "Perfezionate Paste Elementari—L'Italo—America-Perseverando—Vinces." In addition, the label had upon it certain pictures or designs showing and depicting two female figures extending hands and holding flags of the Kingdom of Italy and of the United States, and an American eagle. Upon the shipping cases, in the Italian language, were the words, "Ditalini," "Ziti," and "Spaghetti."

Misbranding was alleged in the libel for the reason that the product was labeled and branded so as to deceive and mislead the purchaser and so that it purported to be a foreign product when not so, for the reason that the use of the words set forth in the labels above, taken by themselves, and also in connection with the aforesaid designs, signified and imported that the product had been manufactured within the country of Italy and after having been so manufactured had been imported into the United States of America from said country of Italy, whereas the product had not been manufactured in Italy nor imported therefrom into the United States, but in fact the product had been manufactured within the United States and at or near the city of Baltimore, Md.

On June 5, 1912, the said Nicholas Tambascia, claimant, having filed his plea and answer consenting to a decree, and having paid the cost of the proceedings, judgment of condemnation and forfeiture was entered, and it was further ordered that upon the execution and delivery of bond by said claimant in the sum of \$100, in conformity with section 10 of the act, the product should be released and delivered to the claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 14, 1912.*

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