

4218. Misbranding of macaroni. U. S. * * * v. 300 Cases of Macaroni. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6492. I. S. No. 763-k. S. No. E-258.)

On April 29, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 300 cases of macaroni, remaining unsold in the original packages at Boston, Mass., alleging that the article had been shipped and transported from the State of Ohio into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act.

Misbranding of the article was alleged in the libel of information for the reason that said food, upon said packages and labels thereof, bore certain statements, designs, and devices regarding the ingredients and substances contained in said food, that is to say, the following words: "Pure Neapolitan Macaroni Extra Fine Quality Gragnano Style" "Macaroncelli 20 lbs. net when packed" "Ord. C. Catalano, Boston, Mass. Not. Flione Themo Co.", and pictorial representations of an eagle spread over the globe (that is to say, the globe which we inhabit) and a number of medals, which said statements, designs, and devices were false and misleading by reason of the appearance on said packages and labels of said words and said pictorial representations in that said words and pictorial representations would lead a purchaser to believe that said food was of a foreign origin, whereas, in truth and in fact, said food was not of a foreign origin. Misbranding was alleged for the further reason that the words "Manufactured by Ohio Egg Noodle and Macaroni Co. Cleveland Ohio," printed in an inconspicuous and obscure manner upon each of said packages and labels thereof, were not sufficient to lead a purchaser to believe that said food was not of foreign origin.

On May 18, 1915, Flione Themo & Co., Boston, Mass., filed a claim for the product, and on June 8, 1915, the said claimant firm having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation and forfeiture was entered, and it was ordered that the product should be delivered to said claimant firm upon payment of the cost of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*