

5458. Misbranding of macaroni. U. S. * * * v. Giacomo Foti. Plea of guilty. Fine, \$25. (F. & D. No. 8117. I. S. No. 702-1.)

On March 24, 1917, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Giacomo Foti, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 2, 1916, from the State of Pennsylvania into the State of Maryland, of a quantity of an article labeled in part, "Primaria Pastificio Qualita Extra Fina Felice Luna Macaroni Torre Annunziata," which was misbranded.

Investigation by the Bureau of Chemistry of this department showed that the article was of domestic manufacture.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Primario Pastificio Qualita Extra Fina Felice Luna Macaroni Torre Annunziata," together with the design and device of a moon face and stars, were false and misleading in that they represented and purported that the article was a foreign product, to wit, a macaroni produced in the Kingdom of Italy; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a foreign product, to wit, a macaroni produced in the Kingdom of Italy, whereas, in truth and in fact, it was not, but was a domestic product, to wit, a macaroni produced in the United States of America.

On April 4, 1917, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CLARENCE OUSLEY, *Acting Secretary of Agriculture.*