

**6659. Misbranding of macaroni and spaghetti. U. S. \* \* \* v. Mercurio Brothers Spaghetti Mfg. Co., a corporation. Plea of guilty. Fine, \$65 and costs. (F. & D. No. 8928. I. S. Nos. 10651-m, 10652-m.)**

On June 17, 1918, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mercurio Brothers Spaghetti Manufacturing Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 10, 1917, and April 6, 1917, from the State of Missouri into the State of Iowa, of quantities of articles labeled in part, "Columbia Brand Macaroni \* \* \* 12 Oz. Net," or "Columbia Brand Spaghetti," which were misbranded.

Examination of samples of the articles by the Bureau of Chemistry of this department showed that 20 cartons of the macaroni weighed from 8.20 to 9.40 ounces net—average weight, 8.91 ounces; shortage, 35.36 per cent. The weight of the spaghetti was not declared, but 2 cartons weighed 8.80 and 8.85 ounces net.

Misbranding of the macaroni was alleged in the information for the reason that the statement—to wit, "12 Oz. Net"—borne on the packages containing the article, regarding it, was false and misleading, in that it represented that the packages contained 12 ounces net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 12 ounces net of the article, whereas, in truth and in fact, they did not, but contained a less amount. Misbranding of the article in each of the shipments was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 19, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$65 and costs.

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