

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 167, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

In accordance with the provisions of Section 4 of the Food and Drugs Act of June 30, 1906, and of Regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 17th day of November, 1909, in the District Court of the United States for the District of Rhode Island, judgment was entered in the below entitled case, wherein a libel was filed under Section 10 of the aforesaid act, alleging in substance that one hundred and fifty (150) cases, more or less, of macaroni labeled: "MACARONI SAVOIA BRAND GRAGNANO," and between the words "Savoia" and "Gragnano" appeared the Merchant Marine shield of Italy, together with a representation of a mountain, a volcano, a castle, a body of water, and in small letters on the bottom of the label "Guaranteed under the Food and Drug Act, June 30, 1906, Serial No. 3880," which had been shipped by the Atlantic Macaroni Co. from Long Island City, New York, to Providence, Rhode Island, was misbranded in that it was labeled and branded so as to mislead and deceive the purchaser thereof, for the reason that said label conveys the impression that said macaroni is a foreign product, when in truth and in fact it was manufactured in Long Island City, N. Y.

The libel prayed process against all claimants to the macaroni, and seizure and condemnation of the same. F. P. Ventrone appeared as claimant and filed an answer to the libel, whereupon the court found for the libellant and entered the decree in substance and form as follows:

UNITED STATES DISTRICT COURT DISTRICT OF RHODE ISLAND.

UNITED STATES OF AMERICA, *libellant*,
v.
150 CASES OF MACARONI, F. P. VENTRONE, *Claimant*. } No. 1129.

Now on this seventeenth day of November, A. D. 1909, comes the United States by Charles A. Wilson, United States Attorney for the District of Rhode Island, and F. P. Ventrone, claimant and owner of 208 cases of macaroni, in his own proper

person, and said cause coming on to be heard on the pleadings herein, and after due deliberation being had in the premises the Court finds that the allegations contained in the libel are true and that the United States is entitled to recover.

It is therefore, ordered, adjudged and decreed that said 208 cases of macaroni be and the same are hereby condemned as being misbranded under the provisions of the Food & Drug Act of June 30, 1906.

And it appearing to the Court that the costs in this case taxed at \$18.02 have been paid by said claimant and owner and the claimant having filed herein and given a satisfactory bond to the effect that said 208 cases of macaroni shall not be sold or otherwise disposed of contrary to the provisions of the Food & Drug Act of June 30, 1906;

It is further ordered, adjudged and decreed that the Marshal be and he is hereby directed to release said 208 cases of macaroni and restore the same to the said F. P. Ventrone, claimant and owner:

By the Court, (Brown J.), Nov. 17, 1909.

WILLIAM P. CROSS,
Clerk.

The facts which led to the filing of the above libel were as follows:

An inspector of the United States Department of Agriculture found in the possession of F. P. Ventrone, Providence, Rhode Island, 150 cases of the macaroni labeled as above described, which had been shipped to the said dealer on or about October 21, 1909, by the Atlantic Macaroni Co., from Long Island City, New York. It being apparent that the product was misbranded in the particulars before mentioned, the Secretary of Agriculture, on November 1, 1909, reported the facts to the United States Attorney for the District of Rhode Island, who filed the libel with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*