

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 491, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about December 13, 1909, F. Romeo & Company, Brooklyn, N. Y., shipped from the State of New York to the State of Massachusetts 450 cases of macaroni, each of which bore on one end the words "Il Gladiator Fabbrica Di Paste sopraffine uso Gragnano", and on the opposite end "Il Gladiatore Brand Naples Styles Macaroni," and upon the sides the words "Zitti," "Preceatelli," "Mezzani", "Ditali," and "Rigatoni." Examination of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the examination of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

In due course a libel was filed in the District Court of said district against said 450 cases of macaroni, charging the above shipment and alleging the product to be misbranded within the meaning of the act, in that it was labeled in the words in a foreign language above set forth, so as to deceive and mislead the purchaser and lead him to believe that the food was a foreign product, when in truth and in fact it was manufactured in the United States of America, and praying seizure, condemnation, and forfeiture of the product. Whereupon Francesco Romeo filed a claim to the ownership of said 450 cases of macaroni and petitioned the court that, in view of his having paid the costs of the proceedings and executed and delivered a good and sufficient bond conditioned that the product should not be sold

and disposed of in violation of law, the 450 cases in question be delivered to him.

The case coming on for hearing, the court entered a decree granting the petition of claimant and ordering that the said cases be delivered to him, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*

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