

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 980, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESE.

On or about February 23, 1911, there were offered for sale in the District of Columbia 50 packages of cheese which were labeled "Distributed by George S. Hart & Co., New York, and Sheboygan, Wis., Trade Mark—Magnolia Selected Cheese." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of a sample of this product showed that one-half of the fat in the milk from which this cheese was made had been removed. As it appeared from the above examination and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and 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 Columbia.

In due course a libel was filed in the Supreme Court of said District against the said 50 packages of cheese charging the above offering for sale and alleging the product to be misbranded in that the said packages bore the statement "Magnolia Selected Cheese," which said statement was false and misleading in that the product was not cheese or selected cheese because the same had been made from milk from which 50 per cent of the fat originally contained therein had been abstracted before the manufacture thereof into cheese; because said product was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese, and because said product was labeled and branded as aforesaid so as to mislead and deceive the purchaser thereof. The libel also prayed seizure, condemnation, and forfeiture of the product.

Thereupon S. Lemon Hoover and Harry B. Denham, Washington, D. C., consignees of the said 50 packages of cheese, entered their

appearance as claimants to the above product, filed a plea and answer admitting the allegations of the above libel and consenting that a decree of condemnation be entered against said goods, and petitioning that the 50 packages of cheese above referred to be delivered to them upon the payment of the costs of these proceedings and the execution of a good and sufficient bond conditioned that the product should not be sold or disposed of contrary to law.

On April 4, 1911, the cause came on for hearing on the above libel and answer, and the court, being fully informed in the premises, issued its decree finding the above mentioned 50 packages of cheese to be misbranded as alleged in said libel, and condemning and forfeiting the same to the use of the United States, with the proviso, however, that upon the payment by said claimants of all the costs of the proceedings, and execution of the bond described in their answer, said 50 packages of cheese be released to said claimants. The costs having been paid and the bond furnished in accordance with the terms of the above decree, the goods were released to the claimants.

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 22, 1911.*