

Issued May 22, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1456.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 27, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the United States District Court for said district a libel for seizure and condemnation of 125 boxes of cheese, each containing one cheese, in the possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped, on or about September 15, 1911, by Crosby & Meyers, Chicago, Ill., from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The boxes were branded "Waxelbaum Pro. Co., Macon, Ga.", and there was a penciled figure on each box indicating the net weight. The total of the weights indicated on these boxes amounted to 2,725 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 2,725 pounds; sum of actual weights, 2,583 $\frac{1}{4}$ pounds; shortage, 141 $\frac{3}{4}$ pounds; shortage 5.2 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in each of said boxes was less than the weight indicated on the outside of the said boxes, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered, and after payment of costs by the Waxelbaum Produce Co., Macon, Ga., and the presentation of bond by said company in conformity with section 10 of the Act, fixed by the court at \$500, the 125 boxes of cheese were ordered released and delivered to said claimant company.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 13, 1912.*