

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1467.

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

MISBRANDING OF CHEESE.

On September 18, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 boxes of cheese, each containing one cheese, in the original unbroken packages, and in the possession of H. D. Adams Co., Macon, Ga., alleging that the product had been shipped on or about September 1, 1911, by the S. J. Stevens Co., of Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O." and marked "H. D. Adams Co., Macon, Ga." And there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 1,981 pounds and no single box was of the weight indicated thereon.

Examination of the product by the Bureau of Chemistry of this Department showed the following: 92 cheeses weighed by inspector gave:

Sum of marked weights (pounds)-----	1,981
Sum of actual weights (pounds)-----	1,885½
Shortage (pounds)-----	95½
Shortage (per cent)-----	4.8

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes was less than the weight indicated on the outside of them 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 after payment of the costs by the H. D. Adams Co., Macon, Ga., and the presentation of a bond by said company in conformity with section 10 of the act, fixed by the court at \$500, the 100 boxes of cheese were ordered released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 17, 1912.