

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1493.

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

MISBRANDING OF CHEESE.

On September 22, 1911, the United States Attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 73 boxes of cheese, each containing one cheese, remaining unsold in the original unbroken packages, and in possession of the C. M. Fulghum Co., Macon, Ga., alleging that the product had been shipped on or about September 8, 1911, by P. H. Peacock, 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: "Peacock Brand Royal Jersey American Cream Cheese. Guaranteed Full Cream. For Jacques & Tinsley Co.," and there was also on each box a penciled figure indicating the net weight according to the understanding and custom of the trade. The total of the weights indicated on these boxes amounted to 1,588 pounds, and the contents of only 22 of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: Sum of marked weights, 1,588 pounds; sum of actual weights, 1,550 pounds; shortage, 38 pounds; shortage, 2.39 per cent. Misbranding was alleged in the libel for the reason that the penciled figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight or measure of the contents of the same, and such marking or labeling was misleading as it did not show that the actual weight of the cheeses was less than the weight indicated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the C. M. Fulghum Co., Macon, Ga., and the presentation of a bond by said claimants in conformity with section 10 of the Act, fixed by the court at \$100, the product was released and delivered to the claimants.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 25, 1912.