

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 995.

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

MISBRANDING OF CHEESE.

On February 8, 1911, the United States Attorney for the Western District of Kentucky, acting upon the report by the Secretary of Agriculture, filed a libel for seizure and condemnation in the District Court of the United States against 50 boxes of cheese, each containing one cheese, in possession of The Silverhill Butter & Cheese Co. (Inc.), Louisville, Ky., alleging that the product had been transported, on or about January 30, 1911, from the State of Wisconsin into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese—Silverhill Butter & Cheese Co., Louisville, Ky." And there was a penciled number on each package indicating the net weight. The total of the weights indicated on these boxes amounted to 1,153 pounds.

Examination by the Bureau of Chemistry of this Department showed the total weight to be only 1,113 pounds 11 ounces, and no single box to be of the weight marked on the package. Misbranding was alleged for the reason that the actual net weight of the cheese contained in each of said packages was less than the weight indicated on the outside of said packages, and the contents stated in terms of weight or measure were therefore not plainly and correctly stated.

On March 4, 1911, the claim of the Silverhill Butter & Cheese Co. was filed. Judgment of condemnation was entered on the same date, and after payment of the costs by the S. J. Stevens Co., Sheboygan, Wis., the shippers, and the tendering of a bond by that company in conformity to section 10 of the act, placed by the court at \$200, 28 boxes of the cheese, being all that were seized by the marshal, were ordered released and delivered to that company.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 28, 1911.*

