

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1457.

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

MISBRANDING OF CHEESE.

On October 6, 1911, the United States Attorney for the Southern District of Georgia, acting on a report of the Secretary of Agriculture, filed in the United States District Court for said district a libel praying seizure and condemnation of 65 boxes of cheese, each containing one cheese, in the possession of the Adams Grocery Co., at Macon, Ga., in the original unbroken packages, alleging that the product had been transported, on or about September 20, 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 in no way labeled or marked, except by penciled figures 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 1,400 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 65 cheese weighed showed: Sum of marked weights, 1,400 pounds; sum of actual weights, 1,330 $\frac{3}{4}$ pounds; shortage, 69 $\frac{1}{4}$ pounds; shortage, 4.94 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 not plainly and correctly stated.

On January 26, 1912, judgment of condemnation was entered and after payment of costs by the Adams Grocery Co., Macon, Ga., and the presentation of bond by said company, in conformity with section 10 of the Act, fixed by the court at \$300, the 65 boxes of cheese were ordered released and delivered to the said claimant company.

W. M. HAYS,
Acting Secretary of Agriculture.

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

