

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1458.

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

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#### MISBRANDING OF CHEESE.

On October 2, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the United States District Court for said District a libel praying seizure and condemnation of 85 boxes of cheese each containing one cheese, in the possession of S. R. Jacques & Tinsley Co., Macon, Ga., in the original unbroken packages, alleging that the product had been shipped, on or about September 18, 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 marked or labeled, except by a penciled figure on each box indicating the net weight, according to the understanding and custom of the trade. The total weights indicated on these boxes amounted to 1,831 pounds, and only four of the boxes were of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: Sum of marked weights, 1,831 pounds; sum of actual weights, 1,752 $\frac{3}{4}$  pounds; shortage, 78 $\frac{1}{4}$  pounds; shortage, 4.27 per cent. 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 the 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 S. R. Jacques & Tinsley Co., Macon, Ga., and the presentation of bond by the said company in conformity with section 10 of the Act, fixed by the court at \$300, the 85 boxes of cheese were ordered released and delivered to said claimant company.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 15, 1912.*