

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1460.

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

MISBRANDING OF CHEESE.

On September 25, 1911, the United States Attorney for the Southern District of Georgia, acting on a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 boxes of cheese, each containing one cheese, in the possession of Cox & Chappell Co., Macon, Ga., in the original unbroken package, alleging that the product was shipped, on or about September 15, 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. Each box was branded, "Cox & Chappell Co., Macon, Ga.", and there was a penciled number on each box indicating the net weight. The total of the weights indicated on these boxes amounted to 1,075 pounds, and no single box was of the weight marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 48 cheeses weighed showed: Sum of marked weights, 1,075 pounds; sum of actual weights, 1,025½ pounds; shortage, 49½ pounds; shortage, 4.6 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 said 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 the costs by the Cox & Chappell Co., Macon, Ga., and the tender of a bond by said company in conformity with section 10 of the Act, fixed by the court at \$200, the 48 boxes of cheese were ordered released and delivered to said company.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 16, 1912.*

