

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1470.

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

MISBRANDING OF CHEESE.

On September 16, 1911, the United States Attorney for the Southern District of Georgia, acting on a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 125 boxes of cheese, each containing one cheese, in the original unbroken packages, in the possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped on or about August 30, 1911, by S. J. Stevens & Co., of 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: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O. Waxelbaum Prod. Co., Macon, Ga.," and there was also a penciled figure 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 2,735 pounds and only one box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 125 cheeses weighed by inspector gave:

Sum of marked weights (pounds).....	2,735
Sum of actual weights (pounds).....	2,615
Shortage (pounds).....	120
Shortage (per cent).....	4.4

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 them 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 Waxelbaum Produce Co., Macon, Ga., and the presentation of a bond by said company in conformity with section 10 of the act, fixed by the court at \$2,000, the 125 boxes of cheese were ordered released and delivered to said claimant.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 18, 1912.