

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1479.

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

MISBRANDING OF CHEESE.

On September 14, 1911, the United States Attorney for the Southern District of Georgia, acting upon 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 99 boxes of cheese, each containing one cheese, remaining unsold in the original unbroken packages and in possession of B. E. Roughton, T. H. Halliburton, and W. R. Allen, doing business as Roughton-Halliburton 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." 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 2,152 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, 2,152 pounds; sum of actual weights, 2,055 pounds; shortage, 97 pounds; shortage, 4.5 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 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 Roughton-Halliburton 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 \$250, the 99 boxes of cheese were ordered released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 23, 1912.*