

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1594.

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

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### MISBRANDING OF CHEESE.

On September 18, 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 125 boxes of cheese, remaining unsold in the original unbroken packages, in possession of the Waxelbaum Produce Co., Macon, Ga., alleging that the product had been shipped on or about September 5, 1911, by the S. J. Stevens & Co., 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 2,697 pounds, while they actually weighed 2,572½ pounds, and the contents of no single box was of the weight indicated thereon.

Misbranding was alleged in the libel for the reason that the 125 boxes by the above-mentioned penciled figures thereon incorrectly stated the weight or measure of the contents thereof and said penciled figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight of the contents of the same, and the marking and labeling were misleading in that the actual quantity of cheese contained in the 125 boxes was 4.6 per cent short of the marked weight. Misbranding was further alleged for the reason that there was nothing in the labeling and branding of the

boxes of the product to indicate that the actual net weight of the cheeses was less than the weight there given and the branding was, therefore, misleading.

On January 26, 1912, the Waxelbaum Produce Co., claimant, Macon, Ga., having admitted the allegations in the libel, paid the costs of the proceeding, and presented bond in conformity with section 10 of the Act, fixed by the court at \$2,000, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

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

