

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1874.

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

MISBRANDING OF CHEESE.

On June 3, 1912, the United States Attorney for the Southern District of Alabama, 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 100 Daisy cheeses, remaining unsold in the original unbroken packages and in possession of the James McDonnell Co., a corporation, Mobile, Ala., alleging that the product had been shipped on or about May 7, 1912, and May 18, 1912, by Ferbend & Co., Chicago, Ill., and transported from the State of Illinois into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Dixie Full Cream Cheese, Ferbend and Company, Chicago, Ill." and there was also on each box certain marked figures indicating the weight thereof, the said weights ranging from 17 to 23 pounds in the different cheeses.

Misbranding was alleged in the libel for the reason that of the 77 boxes of cheese which were weighed only 4 boxes weighed as much as indicated by the marks on the containers, and the other 73 boxes showed a deficiency of from one-half to 1½ pounds on each cheese, the total marked weight of the 77 boxes being 1,656 pounds while the total actual weight was found to be 1,596 pounds, making an actual shortage of 60 pounds in the 77 boxes, or an average deficiency of 3.6 per cent.

On June 5, 1912, said Ferbend & Co., claimant, having paid the costs of the proceedings and having executed bond in the sum of \$250, in conformity with section 10 of the Act, 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., *October 28, 1912.*

