

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2706.

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

U. S. v. Forty Cheeses. Order of destruction.

MISBRANDING OF CHEESE.

On December 2, 1910, the United States Attorney for the Southern District of Florida, 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 40 cheeses remaining unsold in original and unbroken packages, and in the possession of Snow & Bryan, Tampa, Fla., alleging that the product had been shipped from the State of Illinois into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. Each package of the product was marked in black pencil figures to indicate the weight of the cheese in each package.

Misbranding of the product was alleged in the libel for the reason that the boxes containing the cheese did not contain the net weight of cheese that they purported to contain as indicated by pencil marks upon the sides of each of the boxes, and the said marking or said false weight was misleading and false, so as to deceive and mislead a purchaser of the cheese as to the actual net weight of cheese contained in each box. Misbranding was alleged for the further reason that the boxes contained a skim-milk production and were not properly so branded, and the absence of a brand thereon, denoting that the product was a skim-milk production and not cheese, was misleading and false so as to deceive and mislead the purchaser as to the actual article contained in said boxes.

Thereafter, the cheeses, having spoiled, were ordered destroyed by the court, and as no claimant appeared for the property the court dismissed the libel on March 12, 1912.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 6, 1913.*

