

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

SERVICE AND REGULATORY ANNOUNCEMENTS.

NOTICE OF JUDGMENT NO. 2784.

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

U. S. v. Muscatine French Cheese Co. Tried to the court. Judgment for defendant.

ALLEGED MISBRANDING OF CHEESE.

On October 4, 1910, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Muscatine French Cheese Co., a corporation, of Wilton Junction, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on June 3, 1910, from the State of Iowa into the State of Texas, of a quantity of cheese of three brands which was alleged to have been misbranded. One brand of the product was labeled: "Fruhstucks Kaschen Circle X Brand"; one brand was labeled: "Neufchatel type Cheese. Circle X Brand"; and one was labeled: "Schloss Kaese" "The Muscatine French Cheese Co. Trade X Mark Wilton, Iowa."

Examination of samples of the product in the Bureau of Chemistry of this Department showed that it was a domestic product. Misbranding of the product was alleged in the information for the reason that the branding and labeling thereof were false and misleading; that on the label on the brand of cheese labeled "Fruhstucks Kaschen Circle X Brand" the words "Fruhstucks Kaschen" were conspicuously displayed and conveyed the impression that the cheese was a foreign product; that on the label on the brand of cheese labeled "Neufchatel type Cheese. Circle X Brand", the word "Neufchatel Cheese" appeared in a large and attractive type which conveyed the impression that it was a foreign cheese, a product of France, and the fact that the word "type" appeared after the word "Neufchatel" did not lessen that impression for the reason that the word "type" was printed so small as entirely to escape attention; that on the label on the brand of cheese labeled "Schloss Kaese"

“The Muscatine French Cheese Co. Trade X Mark Wilton, Iowa”, the words “Schloss Kaese” appeared across the label in large and conspicuous blue letters and conveyed the impression that the cheese was a foreign product; that the remainder of the label which stated the name and address of the manufacturer was printed in subdued green and the size of the type was not such as to lessen the above impression; that the above brands, and each and all of them, were, in truth and in fact, not cheese of foreign manufacture but were each and all of domestic manufacture, and the labeling of the same as aforesaid was calculated and intended to, and did, mislead and deceive the purchaser thereof in violation of the act aforesaid.

On February 1, 1911, the defendant company by its secretary and treasurer made answer to the information, denying the allegations thereof as to the misbranding of the product. On April 28, 1911, the case having come on for trial before the court upon the information and answer of the defendant, the court rendered judgment for the defendant. No written opinion was given by the court in this case.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 27, 1914.*

2784

