

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 914, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESE.

On or about January 9, 1911, the Northern Wisconsin Produce Company, Manitowoc, Wis., shipped from the State of Wisconsin into the State of Georgia 100 boxes of cheese, invoiced as "S. Daisys" and bearing on the exterior of each of said boxes a penciled number, indicating the weight of the cheese contained therein. Seventy-five of said cheeses were weighed by the Bureau of Chemistry, United States Department of Agriculture, and the results showed a total shortage of $53\frac{1}{2}$ pounds, or 3.23 per cent in the amounts indicated by the labels on said 75 boxes. As the report of the examination showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

In due course a libel was filed in the District Court of the United States for the said district against the 75 boxes of cheese, which were all that then remained undisposed of from the original shipment of 100 boxes, charging the shipment in question and alleging that the product so shipped was misbranded because it was labeled so as to represent that the 75 cheeses in question weighed 1,656 pounds, when in truth and in fact they weighed only $1,602\frac{1}{2}$ pounds, the labels in question being such as to mislead and deceive the purchaser regarding the actual amount of cheese in the boxes in question. Thereupon it was stipulated by and between the Kelley Brothers Company, consignee and claimant of the product, and the attorney for the United States, that the case be submitted to the court without the intervention of a jury, the allegations of said libel being admitted by said claimant.

The cause coming on for hearing on the above libel and stipulation, the court being fully informed in the premises, issued its decree, finding the 75 boxes in question to be misbranded and directing the marshal of said district to label said boxes of cheese so as to indicate the true weight thereof, and advertise and sell the same as provided

by law, with the proviso, however, that the product should be delivered to the above-mentioned claimant upon its execution and delivery of a good and sufficient bond in the sum of \$100, conditioned that said claimant should label the said boxes of cheese so as to indicate the true weight thereof and should not sell or dispose of said cheeses in violation of law, the costs of these proceedings to be paid by the claimant. The costs having been paid and bond furnished in accordance with the terms of the above decree, the product was released to said claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 25, 1911.*

