

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1468.

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

MISBRANDING OF CHEESE.

On September 9, 1911, the United States Attorney for the Northern District of Florida, acting on 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 150 boxes of cheese, known as "Daisies," each containing one cheese, in the original unbroken packages, within the premises of a warehouse located on Garden Street, Pensacola, Fla., alleging that the product had been shipped on or about August 26, 1911, by E. R. Fisher, of Green Bay, Wis., and transported from the State of Wisconsin into the State of Florida, and charging misbranding in violation of the Food and Drugs Act. Each package bore on its side a mark denoting the net weight. The total weights indicated on these packages amounted to 3,121 pounds and only one package approximated the actual net weight as marked thereon.

Examination by the Bureau of Chemistry of this Department showed the following: 150 cheeses weighed by inspector gave:

| | |
|-------------------------------------|--------|
| Sum of marked weights (pounds)----- | 3,121 |
| Sum of actual weights (pounds)----- | 2,901½ |
| Shortage (pounds)----- | 219½ |
| Shortage (per cent)----- | 7.03 |

Misbranding was alleged for the reason that the actual net weight of the cheese contained in the packages was less than the weight indicated on the outside of them and the contents stated in terms of weight or measure were therefore not plainly and correctly stated. On September 29, 1911, no appearance having been made and no answer put in, judgment pro confesso was entered and thereafter, on October 9, 1911, it was decreed by the court that E. R. Fisher, Green Bay, Wis., should pay \$50 fine for his offense and the costs of the proceeding, upon presentation of a bond by the Cudahy Packing Co. as agent of E. R. Fisher, in conformity with section 10 of the act, fixed by the court at \$500, the 150 boxes of cheese were ordered released and delivered to said claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 17, 1912.*