

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1491.

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

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### MISBRANDING OF CHEESE.

On September 23, 1911, the United States Attorney for the Southern District of Georgia, 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 45 boxes of cheese, each containing one cheese, in the original and unbroken packages and in the possession of Barfield & Brown, Macon, Ga., alleging that the product had been shipped on or about August 28, 1911, by the S. J. Stevens Co., Sheboygan, Wis., and transported from the State of Wisconsin into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. Each box was branded: "Mayflower Fancy Full Cream Cheese. Registered S. J. Stevens & Co., Cincinnati, O.;" and there was also a penciled figure on each box indicating the net weight according to the understanding and custom of the trade. The total weight indicated on these boxes amounted to 991 pounds, and the contents of no single box was of the weight indicated thereon.

Examination by the Bureau of Chemistry of this Department showed the following results: 45 cheeses weighed by inspector gave: Sum of marked weights, 991 pounds; sum of actual weights, 896 $\frac{1}{4}$  pounds; shortage, 94 $\frac{3}{4}$  pounds; shortage, 9.56 per cent. Misbranding was alleged for the reason that the actual net weight of the cheese contained in the boxes 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, but in a misleading manner.

On January 26, 1912, judgment of condemnation was entered and, after payment of costs by Barfield & Brown, Macon, Ga., and the presentation of a bond by said claimants in conformity with the intent of the Act and fixed by the court at \$300, the product was ordered released to said claimant.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 25, 1912.*