

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2335.

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

MISBRANDING OF CHEESE.

On December 2, 1912, the United States Attorney for the Northern 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 99 packages of cheese remaining unsold in the original unbroken packages and in possession of Sol. Loeb & Co., Columbus, Ga., alleging that the product had been shipped on November 16, 1912, by Crosby & Meyers from Nashville, Tenn., and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Crosby & Meyers 574 Dodgeville, Wis. Nashville, Tenn. Sol. Loeb Co., Columbus, Ga." and each package bore a penciled figure indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that the cheese was in package form, to wit, in boxes, and the contents were stated in terms of weight, to wit, in figures thereon indicating the number of pounds contained in each box, but they were not correctly stated thereon, the number of pounds indicated on the packages being in excess of the number of pounds contained therein, and said 99 packages of cheese were labeled and branded so as to deceive and mislead the purchaser in this respect, to wit, said packages did not contain the number of pounds of cheese the same purported to contain as stated and indicated on said packages by the label, figures, and marks thereon.

On December 3, 1912, the said Sol. Loeb & Co., Columbus, Ga., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimants upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$300 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*