

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2614.

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

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**U. S. v. 136 Cheeses. Decree of condemnation by consent. Goods released on bond.**

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### MISBRANDING OF CHEESE.

On December 13, 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 136 packages of cheese remaining unsold in the original unbroken packages and in possession of Talmadge Bros. Co., Athens, Ga., alleging that the product had been shipped on November 29, 1912, by Crosby & Meyers, 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, Nashville, Tenn. Talmadge Bros. & Co., Athens, Ga." There was also upon each box a number indicating the net weight of the cheese contained therein.

Misbranding of the product was alleged in the libel for the reason that it 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 in each box contained, 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 boxes were labeled and branded so as to deceive and mislead the purchaser in that they did not contain the number of pounds of cheese they purported to contain as stated and indicated on the packages by the label, figures, and marks thereon.

On December 30, 1912, Crosby & Meyers, said claimants having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released and turned over to said claimants upon payment of all the costs of the proceeding and the execution of bond in the sum of \$550, in conformity with section 10 of the Act.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 22, 1913.*