

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1837.

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

MISBRANDING OF CHEESE.

On March 21, 1912, the United States Attorney for the Eastern District of Kentucky, 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 100 boxes of daisy size cheese, remaining unsold in the original unbroken packages and in possession of M. C. Russell & Co., a corporation, Maysville, Ky., alleging that the product had been shipped on or about March 14, 1912, by Crosby & Meyers, Chicago, Ill., and transported from the State of Illinois into the State of Kentucky and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Crosby & Meyers, 812 Marshfield, Wis. 903 M629." There was also on each box of the product a penciled figure indicating the net weight of the cheese contained therein according to the custom and understanding of the trade.

Misbranding was alleged in the libel for the reason that the labels and brands on each box of the product bore a false statement regarding the net weight of the product, in that each of the boxes had marked thereon certain Arabic numerals and figures which constituted a statement as to the net weight of the cheese supposed to be and which should be contained in each of the boxes, whereas, in truth and in fact, there was not contained in each or any of the boxes so marked the net weight of cheese indicated thereon, but a much less quantity.

On June 18, 1912, no answer to the libel having been filed, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released to M. C. Russell & Co., Maysville, Ky., claimant, upon payment of the costs of the action, amounting to \$35.35, and the execution of bond in the sum of \$1,000, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 22, 1912.*

