

Issued February 4, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1870.

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

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### MISBRANDING OF CHEESE.

On June 17, 1912, the United States Attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. G. Davis and W. H. Davis, co-partners, doing business under the firm name and style of Davis Bros. Cheese Co., Plymouth, Wis., alleging shipment by them, in violation of the Food and Drugs Act, on February 2, 1912, from the State of Wisconsin into the State of Tennessee, of a quantity of cheese which was misbranded. The product was labeled: "Imperial Selected Full Cream Cheese (Star & Crescent). The Davis Brothers Cheese Co., Plymouth, Wis. Trigg, Dobbs & Co., Chattanooga, Tenn." (In pencil on box "23").

Examination of a sample of the product by the Bureau of Chemistry of this Department showed that the container was marked 23, indicating that the net weight of the cheese was 23 pounds, when in fact the net weight was barely 22 pounds (21.96 pounds exactly), showing a shortage in weight of 1.04 pounds, or 4.52 per cent. Misbranding was alleged in the information for the reason that the label on the product bearing the figure 23 thereon, purported and gave out and was so understood by the trade and public generally that the box or package on which the figure 23 was penciled contained 23 pounds net weight, which statement was false, misleading, and deceptive for the reason that in truth and in fact the box or package contained only 21.96 pounds.

On June 22, 1912, the defendants entered a plea of nolo contendere and the court imposed a fine of \$25.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 28, 1912.*

