

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2697.

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

**U. S. v. Thirty Cases of Cheese. Decree of condemnation and forfeiture.
Product released on bond.**

MISBRANDING OF CHEESE.

On December 31, 1908, the United States Attorney for the Northern District of Illinois, 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 30 cases each containing two dozen small-sized jars of cheese remaining unsold in the original unbroken packages in possession of the MacLaren Imperial Cheese Co. (Ltd.), Chicago, Ill., alleging that the product had been shipped by the MacLaren Imperial Cheese Co. (Ltd.), Detroit, Mich., on December 3, 5, and 11, 1908, and transported from the State of Michigan into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Two dozen small jars MacLaren's Rocquefort Cheese." The jars were labeled "MacLaren's Rocquefort." Between these words was the picture of a goat, and below the word "Rocquefort" appeared the following in very small type: "Manufactured and blended in the United States."

Misbranding of the product was alleged in the libel for the reason that it contained a label which would lead the purchaser to believe that said product consisted of pure Rocquefort cheese imported from Rocquefort, France, and made wholly from goat's milk, whereas, in truth and in fact, analysis of a sample of said product showed that it did not consist of pure imported Rocquefort cheese, that it was not made in France, and that it did not have the character or properties of Rocquefort cheese.

On March 23, 1909. said MacLaren Imperial Cheese Co., claimant, having admitted the allegations in the libel and the court being fully advised in the premises and having heard the arguments of counsel, a decree of condemnation and forfeiture was entered and it was ordered that the product should be surrendered to said claimant upon payment of the costs of the proceeding, amounting to \$15.30, and the execution of bond in the sum of \$500, in conformity with section 10 of the Act.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 4, 1913.*

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