

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1343.

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

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### MISBRANDING OF BLOATERS.

On November 13, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 200 cases of bloaters, found upon the premises of the Terminal Warehouse, in the city of Baltimore. The product was labeled: "100 Full Count Golden English Cured Cromarty Bloaters—Packed by Wm. H. Jordan & Co., Gloucester, Mass."

A sample of said product was submitted by the Bureau of Chemistry of the United States Department of Agriculture to the United States Fish Commission, which reported thereon as follows: "That the method of curing is such as generally followed by Gloucester firms and throughout New England; that Cromarty is a small herring fishing port on the coast of Scotland; Cromarty Firth is an arm of Moray Firth and doubtless yields herring; that these are not English cured fish, are not from Cromarty, and have nothing to do with Cromarty." The libel alleged that the product, after transportation from the State of Massachusetts into the State of Maryland, remained in the original unbroken packages, and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in the libel as follows: (1) Because the said bloaters are then and there labeled so as to deceive and mislead the purchaser, in that it is then and there stated upon the cases containing the same that the contents are "English Cured Bloaters," when in truth and in fact the said bloaters are not English cured but are American cured;

(2) because the said bloaters are then and there labeled so as to deceive and mislead the purchaser, in that it is then and there further stated upon the said cases that the contents are Cromarty bloaters, Cromarty being a small herring fishing port on the coast of Scotland, and Cromarty Firth being an arm of Moray Firth, Scotland, when, in truth and in fact, said bloaters do not come from Cromarty and are in no way connected with Cromarty or Cromarty Firth; (3) because said bloaters purport to be a foreign product, to wit, "English Cured Bloaters," when, in truth and in fact, they are not English cured but American cured; (4) because said bloaters further purport to be a foreign product, to wit, Cromarty bloaters, Cromarty being a small herring fishing port on the coast of Scotland and Cromarty Firth being an arm of Moray Firth, Scotland, when in truth and in fact said bloaters do not come from Cromarty and are in no way connected with Cromarty or Cromarty Firth.

On November 15, 1911, the case coming on for hearing, William H. Jordan & Co. having filed claim and answer, the court entered a decree finding the product misbranded, as alleged in the libel, and condemning and forfeiting the same to the United States and ordering its destruction; but with a proviso, that the product might be released to the claimant upon the payment by it of the costs of the proceedings and the execution of a good and sufficient bond, conditioned that the product shall be properly labeled before any disposition is made of it. The costs being paid and the bond executed, the product was forthwith released to the claimant.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 27, 1912.*