

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2412.

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

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### MISBRANDING OF FISH.

On March 26, 1910, the United States Attorney for the District of Indiana, 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 300 pails of fish remaining unsold in the original unbroken packages and in the possession of W. M. Shafer & Co., Frankfort, Ind., alleging that the product had been transported from the State of Ohio into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Extra Choice XXXX White Lake Fish."

Misbranding of the product was alleged in the libel for the reason that the statements on the brands and labels were false and misleading, in that in truth and in fact the fish contained in the 300 pails were not choice white lake fish, but were lake herring; and the statements contained on said brands and labels were calculated to deceive and mislead the purchaser thereof.

On March 28, 1910, O. H. Dickman & Co., of Cincinnati, Ohio, claimant, having filed an answer admitting the allegations in the libel and paid the costs of the proceedings, judgment of condemnation and forfeiture was entered, and it was further ordered by the court that the product should be released to said claimant upon the execution of bond in conformity with the provisions of section 10 of the Act.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 3, 1913.*