

Issued September 10, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1651.

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

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### MISBRANDING OF CANNED SALMON.

On March 5, 1912, the United States Attorney for the District of Minnesota, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 900 cases of salmon, each containing 48 cans of the product, remaining unsold in the original unbroken packages and in possession of J. H. Allen & Co. (Inc.), St. Paul, Minn., alleging that the product had been shipped, on or about September 15, 1911, by Gorman & Co., a corporation, Seattle, Wash., and transported from the State of Washington into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On case) "4 Doz. Tall Cans—Alaska Chief Brand—Alaska Pink Salmon. Gorman & Company, Inc., Distributors, Seattle, U. S. A. . . S. N. P." (On cans) "Alaska Chief (Design bust of Indian) Pink Salmon. One Pound Salmon—Gorman & Co., Distributors, Seattle, U. S. A. Trade Mark Registered—Empty contents immediately after opening—Alaska Chief (Design picture of salmon) Pink Salmon—The best fish caught in Alaskan waters—Packed by Shakan Salmon Company, Shakan, Alaska."

Misbranding was alleged in the libel for the reason that the label on the product bore a statement and device regarding the contents of the cans of said product which were false and misleading, in that the words "Best Fish Caught in Alaskan Waters" contained in said label were calculated to deceive and mislead the purchaser into the belief that the fish contained in said cans was the highest quality and grade of salmon, whereas in truth and in fact it was not of the

highest quality and grade, but consisted of "humpback," or salmon of merely average good quality.

On April 22, 1912, Gorman & Co., claimant, Seattle, Wash., having appeared and consented in writing to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of all costs of the proceedings and the execution of bond by said claimant in conformity with section 10 of the Act, fixed by the court at \$1,000, the product should be released and delivered to said claimant.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 10, 1912.*

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