

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1818.

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

MISBRANDING OF CANNED SALMON.

On February 16, 1912, the United States Attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said District a libel, and on or about April 9, 1912, an amended libel for the seizure and condemnation of 375 cases, each containing 48 cans, purporting and representing to contain the best grade and quality of Alaska salmon, remaining unsold in the original unbroken packages and in possession of the Colorado Supply Co., Pueblo, Colo., alleging that the product had been shipped from the State of Washington into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Alaska Chief Brand Pink Salmon. Gorman & Company, Dist. Seattle, U. S. A." (On cans) "Alaska Chief Pink Salmon. The Best Fish Caught in Alaskan Waters. Packed by Shakan Salmon Company, Shakan, Alaska. One Pound Salmon. Gorman & Company, Inc., Distributors, Seattle, U. S. A. Guaranteed under the Food and Drugs Act of June 30, 1906."

Misbranding was alleged in the libel for the reason that the labels on the product containing the statement "Alaska Chief Pink Salmon," "The Best Fish Caught in Alaskan Waters," regarding the product were false and misleading and intended to mislead and deceive the purchasers thereof into the belief that the product was the best and first grade of salmon caught in Alaskan waters, whereas in truth and in fact it was not so, but was Alaska pink salmon, which species of Alaska salmon was and is recognized by the trade to be not better than the third grade of salmon caught in Alaskan waters, and not the first or best grade, as was represented on the labels; that it was true that

the cans contained Alaska pink salmon, but it was true that Alaska red salmon and not Alaska pink salmon was the first and best grade of salmon caught in Alaskan waters, and that at least two grades of salmon caught in Alaskan waters were and are recognized in the trade to be of higher grade than pink salmon, the cans being thus labeled and branded so as to deceive and mislead the purchasers thereof in reference to the grade of fish therein contained.

On June 6, 1912, the Colorado Supply Co., claimant, having admitted the allegations in the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was further ordered that upon payment of the costs of the proceedings, taxed at \$65, and the execution of bond in the sum of \$1,000 by said claimant in conformity with section 10 of the Act, the product should be released and delivered to the claimant.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 15, 1912.*

1818

