

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2164.

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

MISBRANDING OF HERRING.

On August 26, 1912, the United States Attorney for the Eastern District of Pennsylvania, 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 25 boxes each containing 10 pounds of herring remaining unsold in the original unbroken packages and at premises numbered 118 North Delaware Avenue, Philadelphia, Pa., alleging that the product had been shipped on or about August 8, 1912, from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Highest Award International Fisheries Exhibition (two designs of a woman's head with words 'Victoria Regina' in circle) Ten Pounds Crown Brand English Boneless Herring Packed by L. Pickert Fish Co., Boston, Mass. (with a design of a crown)."

Misbranding of the product was alleged in the libel for the reason that it was labeled and branded so as to purport to be a foreign product when not so, and further, in that each of the boxes containing the product bore the labels set forth above, the words "English Boneless Herring" appearing in large red type, while the rest of the stencil appeared in green, by virtue of which said description and designation the product purported to be a foreign product, to wit, a product of England, whereas, in truth and in fact, it was not a product of England, but had been produced in the United States of America.

On September 28, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding the property adulterated and misbranded, and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 30, 1912.*

