EXHIBIT 25

(DECLARATION – SMITH DAIRY)

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
(EASTERN DIVISION)

INTERNATIONAL DAIRY FOODS ASSOCIATION Plaintiff, v. ROBERT J. BOGGS (solely in his official capacity as Ohio Director of Agriculture,) Defendant.	CASE NO. _____ Honorable Judge _____, U.S.D.J.

DECLARATION OF STEVE SCHMID

My name is Steve Schmid, and I am the President of Smith Dairy Products Company. This Declaration is filed on behalf of Smith; a third generation family owned and operated dairy processing and manufacturing company headquartered at 1381 Dairy Lane, Orrville, Ohio, 44667. I am authorized to file this Declaration on behalf of Smith Dairy. This Declaration is based upon my personal knowledge and belief and is provided in support of Plaintiff's Motion for a Preliminary Injunction.

1. Smith operates one dairy operation in Orrville, Ohio. Smith also owns Wayne Dairy Products, Inc. located in Richmond, Indiana. Both plants sell milk in Ohio. Smith Dairy also sells dairy products in Indiana, Michigan, Kentucky and West Virginia. Wayne Dairy also sells milk in Indiana and states throughout Eastern United States.

2. Products sold in Ohio are sold under the Smith, Ruggles or private label (retail customer) milk labels that are also used in multiple jurisdictions.

4. All Smith Dairy and Wayne Dairy Products milk products sold in Ohio and surrounding states are from farmers who pledge not to use artificial growth hormones.

5. Smith Dairy offers consumers milk that comes from dairy farmers who do not use artificial growth hormones (rBST) because an increasing number of our consumers are asking for it.

6. While the FDA has concluded that rBST is safe and that there is no difference between the milk obtained from cows treated with rBST and those that are untreated, we are offering this option in response to consumer requests.

7. The Ohio Rule prevents us from selling our branded products in Ohio unless we change our existing labels. These labels were developed prior to the new Ohio rule became effective. We make our claim on our label in a number of ways in conformance with the FDA guidance. For instance, SMITH'S gallon Vitamin D white milk label prominently features an rBST-Free icon (5/8" high, yellow color) on the principle display panel. The statement "free of artificial growth hormones" (16 pt font, yellow color) is also on the principle display panel. The side panel states (in 8 pt font, maroon color) "SMITH'S rBST-Free milk comes from cows that are not treated with the artificial growth hormone (rBST). Although the Food and Drug Administration says there is no difference between milk from treated or untreated cows, we believe in providing rBST-Free milk as a choice to you."

Additionally, the cap is labeled with an rBST-Free icon (5/8"h) and the statement "free of artificial growth hormones" (10 pt font).

All font styles are consistent.

8. On its face, the Ohio rule prohibits the claim regarding the wording "rBST-Free" and "free of artificial growth hormones" unless the FDA production disclaimer is contiguous to the claim. The rule considers the size of "rBST-Free" to be attention- grabbing and not compliant. Thus, the new Ohio rule prohibits our labels the state previously approved.

9. While the Smith Dairy (or private) label claim and contextual language meet the requirements of other states that the contextual claim be no smaller than one-half the size of the claim, the additional Ohio restrictions that any contextual statement be no less than 7 point font size is not commercially reasonable and is impossible to maintain on the wide variety of dairy packages (gallons, half-gallons, quarts, pints and half-pints). The Ohio Rule makes no allowance for different package sizes.

10. The Ohio Rule has the practical effect of regulating the labels Smith can use for its dairy products that are sold in Ohio as well as other states. Milk is a high volume business with products sold in interstate commerce. We cannot as commercial matter alter our product labels for products sold in Ohio without altering each and every one of those labels for sales to all other customers in all other states where that label is used. As a result, all Smith branded and many private labeled milk products will have to be re-labeled.

11. This requirement that we re-label our brands creates three immediate problems beyond the unusual result that Ohio's regulation extends to our out-of-state business activities.

12. First, while promulgating the Ohio Rule the Director concluded that the cost of changing labels is only $250 to $300 per label. I do not know where the Director, who is not in the business of selling milk and dairy products, reached this conclusion. In Smith's experience

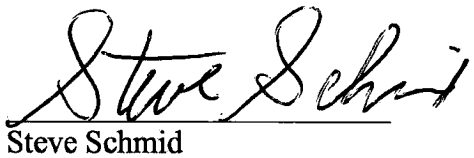
reworking the artwork and plates to make a label change of this nature is at least $6,250.00 per label.

13. Second, we must make this label change process begin immediately in order to comply with the effective date of September 19, 2008. The process for both changing the artwork and ordering and obtaining labels on this scale is enormous and must begin effectively immediately. Should the Ohio Rule be enjoined at any time Smith would have incurred these costs without the ability to recover them from the Ohio Department of Agriculture

14. Third, inventory of labels and caps will have to be destroyed. Value is estimated at $32,000 by compliance date of September 19, 2008.

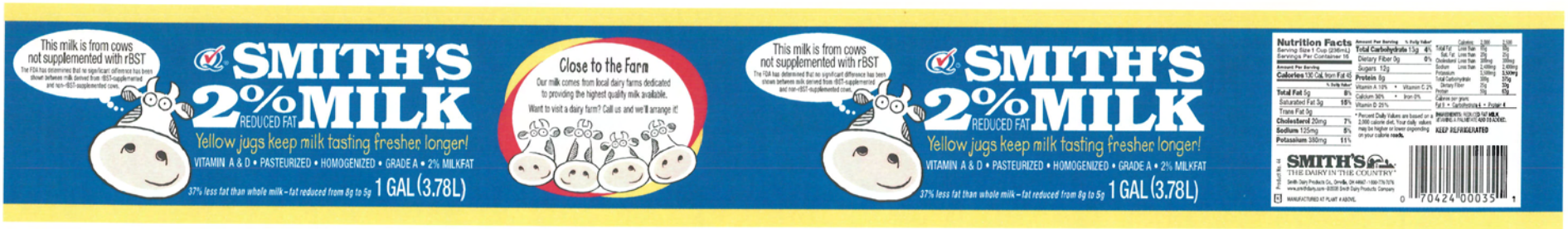
15. In a meeting on or about March 13, 2008, the Director concluded that anyone with sales out of Ohio would not need to worry about different label regulation so long as they complied with Ohio's strictest rule.

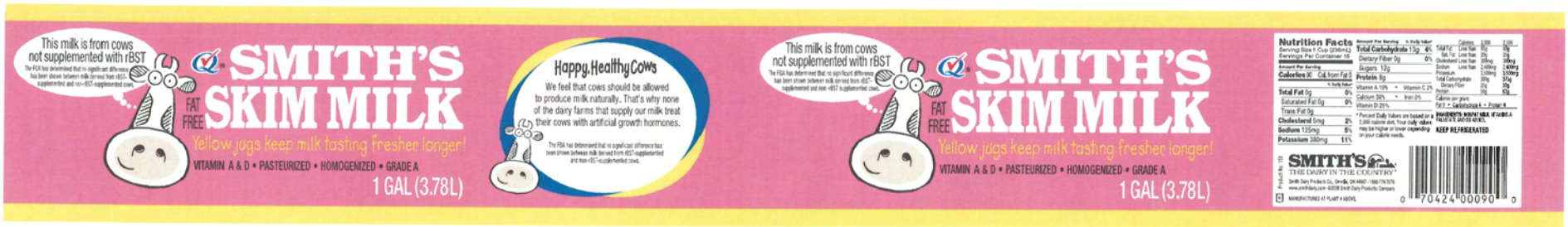
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 24th day of June, 2008.

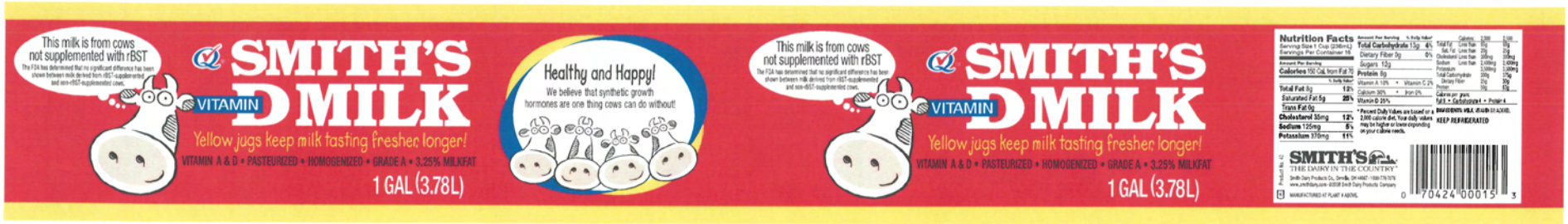


Steve Schmid


This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
1% LOW FAT MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 1% MILKFAT
1 GAL (3.78L)
Dairy Farmers:
The Original Environmentalists
Being good stewards of their land and water is a way of life for our dairy farmers. Conserving and reusing these natural resources keep their cows healthy and productive. It's part of their success in providing milk for today, and tomorrow.
This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
1% LOW FAT MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 1% MILKFAT
1 GAL (3.78L)
Nutrition Facts
Serving Size 1 Cup (236mL)
Servings Per Container 16
Amount Per Serving
Calories 100 Cal. from Fat 20
% Daily Value*
Total Fat 2.5g 4%
Saturated Fat 1.5g 8%
Trans Fat 0g
Cholesterol 10mg 3%
Sodium 125mg 5%
Potassium 350mg 11%
Total Carbohydrate 13g 4%
Dietary Fiber 0g 0%
Sugars 12g
Protein 8g
Vitamin A 10% • Vitamin C 2%
Calcium 30% • Iron 0%
Vitamin D 25%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.
KEEP REFRIGERATED
SMITH'S
THE DAIRY IN THE COUNTRY


This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
2% REDUCED FAT MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 2% MILKFAT
37% less fat than whole milk – fat reduced from 8g to 5g
1 GAL (3.78L)
Close to the Farm
Our milk comes from local dairy farms dedicated to providing the highest quality milk available.
Want to visit a dairy farm? Call us and we'll arrange it!
This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
2% REDUCED FAT MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 2% MILKFAT
37% less fat than whole milk – fat reduced from 8g to 5g
1 GAL (3.78L)
Nutrition Facts
Serving Size 1 Cup (236mL)
Servings Per Container 16
Amount Per Serving
Calories 130 Cal. from Fat 45
% Daily Value*
Total Fat 5g 8%
Saturated Fat 3g 15%
Trans Fat 0g
Cholesterol 20mg 7%
Sodium 125mg 5%
Potassium 380mg 11%
Total Carbohydrate 15g 4%
Dietary Fiber 0g 0%
Sugars 12g
Protein 8g
Vitamin A 10% • Vitamin C 2%
Calcium 30% • Iron 0%
Vitamin D 25%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.
KEEP REFRIGERATED
SMITH'S
THE DAIRY IN "THE COUNTRY"
0 70424 00035 1


This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
FAT FREE
SMITH'S SKIM MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A
1 GAL (3.78L)
Happy. Healthy Cows
We feel that cows should be allowed to produce milk naturally. That's why none of the dairy farms that supply our milk treat their cows with artificial growth hormones.
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
FAT FREE
SMITH'S SKIM MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A
1 GAL (3.78L)
Nutrition Facts
Serving Size 1 Cup (236mL)
Servings Per Container 16
Amount Per Serving
Calories 90 Cal. from Fat 0
% Daily Value*
Total Fat 0g 0%
Saturated Fat 0g 0%
Trans Fat 0g
Cholesterol 5mg 2%
Sodium 125mg 5%
Potassium 380mg 11%
Total Carbohydrate 13g 4%
Dietary Fiber 0g 0%
Sugars 12g
Protein 8g
Vitamin A 10% • Vitamin C 2%
Calcium 30% • Iron 0%
Vitamin D 25%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.
KEEP REFRIGERATED
SMITH'S
THE DAIRY IN THE COUNTRY
0 70424 00090 0


This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
VITAMIN D MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 3.25% MILKFAT
1 GAL (3.78L)
Healthy and Happy!
We believe that synthetic growth hormones are one thing cows can do without!
This milk is from cows not supplemented with rBST
The FDA has determined that no significant difference has been shown between milk derived from rBST-supplemented and non-rBST-supplemented cows.
SMITH'S
VITAMIN D MILK
Yellow jugs keep milk tasting fresher longer!
VITAMIN A & D • PASTEURIZED • HOMOGENIZED • GRADE A • 3.25% MILKFAT
1 GAL (3.78L)
Nutrition Facts
Serving Size 1 Cup (236mL)
Servings Per Container 16
Amount Per Serving
Calories 150 Cal from Fat 70
% Daily Value*
Total Fat 8g 12%
Saturated Fat 5g 25%
Trans Fat 0g
Cholesterol 35mg 12%
Sodium 125mg 5%
Potassium 370mg 11%
Total Carbohydrate 15g 4%
Dietary Fiber 0g 0%
Sugars 12g
Protein 8g
Vitamin A 10% • Vitamin C 2%
Calcium 30% • Iron 0%
Vitamin D 25%
* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs.
INGREDIENTS: MILK, VITAMIN D3 ADDED.
KEEP REFRIGERATED
SMITH'S
THE DAIRY IN THE COUNTRY
0 70424 00015 3


SMITH'S
rBST-FREE
D Milk
free of artificial growth hormones
1 GAL (3.78L)


SMITH'S
rBST-FREE
VITAMIN
D Milk
VITAMIN D • PASTEURIZED • GRADE A • 3.25% MILKFAT
free of artificial growth hormones
1 GAL (3.78L)
Why choose rBST-Free?
Smith's rBST-Free milk comes from cows that are not treated with the artificial growth hormone (rBST). Although the Food and Drug Administration says there's no difference between milk from treated or untreated cows, we believe in providing rBST-free milk as a choice to you.