

**4069. Misbranding of cottonseed meal or cake. U. S. v. Apache Cotton Oil & Manufacturing Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5654. I. S. No. 1937-e.)**

At the November, 1914, term of the District Court of the United States, within and for the Eastern District of Oklahoma, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the said district court an information against the Apache Cotton Oil & Manufacturing Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 2, 1913, from the State of Oklahoma into the State of Illinois, of a quantity of cottonseed meal or cake which was misbranded. The product was labeled: (On bag) "Apache Chief Cottonseed Meal or Cake (Design of Indian head) Manufactured by Apache Cotton Oil and Mfg. Co., Chickasha, Okla., U. S. A.—For Drawback—Fulton Bags, N. O., La." (On tag) "Imperial Cotto Brand Choice Cotton Seed Meal 100 lbs. Guaranteed Analysis: Ammonia, not less than 8.00%; Nitrogen, not less than 6.50%; Protein, not less than 41.00% to 45.00%; Crude Fat, not less than 8.00%; Crude Fibre (Maximum), not less than 9.00%. Imperial Cotto Milling Company, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent).....	7.99
Ether extract (per cent).....	6.99
Protein (per cent).....	38.69
Crude fiber (per cent).....	13.13

Misbranding of the article was alleged in the information for the reason that the statement "Protein 41.00% to 45.00%," borne on the labels attached to the sacks in which the article was shipped and delivered for shipment, was false and misleading, because, as a matter of fact, said article did not contain protein to the amount of 41.00 to 45.00 per cent, as represented by said labels, but contained a less amount of protein, to wit, 38.69 per cent. Misbranding was alleged for the further reason that the statement, "Crude Fiber (maximum) not less than 9.00%," borne on the labels attached to the packages in which the article was shipped and delivered for shipment, was misleading and deceptive, because it was calculated to mislead and deceive the purchaser into the belief that said article contained only 9.00 per cent of crude fiber, whereas, in truth and in fact, said article contained more than 9.00 per cent of crude fiber, to wit, 13.13 per cent.

On February 23, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 17, 1915.*