

6668. Misbranding of cottonseed cake. U. S. * * * v. Lamar Cotton Oil Co., a corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 8819. I. S. No. 21690-m.)

On May 7, 1918, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamar Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 7, 1917, from the State of Texas into the State of New Mexico, of a quantity of an article labeled in part, "Cracked Cake, Manufactured by Lamar Cotton Oil Co., Paris, Texas. * * * Crude Protein, 44.00%," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Crude protein (per cent)----- 39.31

Misbranding of the article was alleged in the information for the reason that the statement—to wit, "Crude Protein 44.00 per cent"—borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained not less than 44 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 44 per cent of crude protein, whereas, in truth and in fact, it contained less than 44 per cent of crude protein—to wit, approximately 39.31 per cent of crude protein.

On October 29, 1918, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

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