

10730. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., Ltd., a Corporation. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 11800. I. S. No. 11995-r.)

On July 31, 1920, the United States attorney for the Western District of Louisiana, 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 Red River Oil Co., Ltd., a corporation, Alexandria, La., alleging shipment by said company, on or about February 2, 1919, from the State of Louisiana into the State of Kansas, of a quantity of Forfat Brand cottonseed meal, which was alleged to have been misbranded, in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of nitrogen. Examination also showed that the average net weight of 23 sacks was 95.97 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%" and "100 lbs. Gross 99 lbs. Net," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, and that each of the said sacks weighed not less than 100 pounds gross, and that each of the said sacks contained not less than 99 pounds net of the article, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, that each of said sacks weighed not less than 100 pounds gross, and that each of said sacks contained not less than 99 pounds net of the article, whereas, in truth and in fact, said article contained less than 38.55 per cent of protein, more than 12 per cent of crude fiber, and less than 6.17 per cent of equivalent nitrogen, to wit, 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of equivalent nitrogen, each of said sacks did not weigh 100 pounds gross, and each of said sacks did not contain 99 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was given to the jury and after due deliberation they returned into court with a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10731. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed feed. U. S. v. Southern Cotton Oil Co. Judgment conceded in one case, fine of \$50 and costs imposed; other case tried to the court, finding of guilty, and fine of \$25 and costs. (F. & D. Nos. 14345, 14504. I. S. Nos. 11091-r, 24732-r.)

On May 12 and 21, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Southern Cotton Oil Co., a corporation, doing business at Newport, Ark., alleging shipment by said company, in one of the informations, on or about November 26, 1919, from the State of Arkansas into the State of Michigan, of a quantity of Danish Brand cottonseed meal, which was adulterated and misbranded, and, in the other information, by said company, in the name of S. P. Davis, on or about November 1, 1919, from the State of Arkansas into the State of Wisconsin, of a quantity of Beauty Brand cottonseed feed, the first of which was adulterated and misbranded and the second misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 5.47 per cent of nitrogen, 34.2 per cent of protein, and 15.71 per cent of crude fiber, and that the cottonseed feed contained 5.27 per cent of fat, 5.41 per cent of nitrogen, 6.57 per cent of ammonia, and 33.86 per cent of protein.

Adulteration of the cottonseed meal was alleged in one of the informations for the reason that a certain substance, to wit, cottonseed hulls, had been mixed

and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding of the cottonseed meal was alleged for the reason that the following statements, to wit, "Cottonseed Meal" and "Guaranteed Analysis Protein 36.00% * * * Crude Fibre 15.00 * * * Equivalent Nitrogen 5.75%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that said article consisted wholly of cottonseed meal and that it contained not less than 36 per cent of protein and not more than 15 per cent of crude fiber, and that it contained nitrogen equivalent to 5.75 per cent, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of cottonseed meal, and that it contained not less than 36 per cent of protein and not more than 15 per cent of crude fiber and that it contained nitrogen equivalent to 5.75 per cent, whereas, in truth and in fact, said article did not consist wholly of cottonseed meal but consisted in part of cottonseed hulls, and said article did contain less than 36 per cent of protein and more than 15 per cent of crude fiber and did not contain nitrogen equivalent to 5.75 per cent.

Misbranding of the cottonseed feed was alleged in the other information for the reason that the following statements, to wit, "Guaranteed Analysis Ammonia 7% Protein 36 % Nitrogen 5¼% Fat 6% Crude Fiber 14%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 7 per cent of ammonia, 36 per cent of protein, 5¼ per cent of nitrogen, 6 per cent of fat, and not more than 14 per cent of crude fiber, 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 7 per cent of ammonia, 36 per cent of protein, 5¼ per cent of nitrogen, 6 per cent of fat, and not more than 14 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 7 per cent of ammonia, less than 36 per cent of protein, less than 5¼ per cent of nitrogen, and less than 6 per cent of fat, and did contain more than 14 per cent of crude fiber.

On March 22, 1922, the case involving the cottonseed feed having come on for trial before the court, after the submission of evidence and arguments by counsel, the court found the defendant company guilty, and imposed a fine of \$25 and costs; thereupon the company by its counsel conceded judgment in the case involving the cottonseed meal, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10732. Misbranding of tankage. U. S. v. Farmers Terminal Packing Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 14532. I. S. No. 3417-t.)

On December 13, 1921, the United States attorney for the District of Minnesota, 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 Farmers Terminal Packing Co., a corporation, Newport, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 18, 1920, from the State of Minnesota into the State of South Dakota, of a quantity of tankage which was misbranded. The article was labeled, in part: "Meat Residue."

Analysis of a sample of this article, by the Bureau of Chemistry of this department, showed the presence of 46.88 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the following statement, to wit, "Guaranteed analysis, protein 50%," borne on the labels, stenciled on 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 50 per cent of protein, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of protein, whereas, in truth and in fact, said article did contain less than 50 per cent of protein.

On December 13, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*