

3577. Misbranding of cottonseed meal. U. S. v. Buckeye Cotton Oil Co. Tried to the court and jury. Verdict of guilty. Fine, \$150. (F. & D. No. 5613. I. S. No. 24851-e.)

On April 18, 1914, the United States attorney for the Southern District of Alabama, 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 Buckeye Cotton Oil Co., a corporation, Cincinnati, Ohio, doing business at Selma, Ala., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 20, 1912, from the State of Alabama into the State of Maine, of a quantity of cottonseed meal which was misbranded. The product was labeled: "100 lbs. gross. Buckeye Prime Cottonseed Meal Manufactured by The Buckeye Cotton Oil Co. General Offices, Cincinnati, O. Guarantee Protein 38½ to 41 Per Cent, Fats 6½ to 7 Per Cent, Ammonia 7½ to 8 Per Cent, Nitrogen 6 to 6½ Per cent, Crude Fibre 10 to 12 Per Cent Shipped by Selma, Ala. Mill. Mills Located -at- Atlanta, Ga. Augusta, Ga. Macon, Ga. Birmingham, Ala. Charlotte, N. C. Selma, Ala. Jackson, Miss. Greenwood, Miss. Little Rock, Ark. Memphis, Tenn."

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

Moisture (per cent).....	6.98
Ash (per cent).....	6.16
Nitrogen (per cent).....	5.62
Protein (per cent).....	35.13
Nitrogen-free extract (per cent).....	29.85
Fiber (per cent).....	14.60
Fat (per cent).....	7.29

Misbranding of the product was alleged in the information for the reason that the statement "Prime Cottonseed Meal," borne on the labels attached to the packages in which the article was shipped as aforesaid, was false and misleading, because, as a matter of fact, said article was not of the grade known to the trade and public as prime cottonseed meal, but was of a grade inferior to prime cottonseed meal; further, for the reason that the statement, "Protein 38½ to 40 [41] Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article did not contain 38½ to 40 [41] per cent of protein as represented by the said labels, but contained a less amount of protein, to wit, 35.13 per cent; further, for the reason that the statement, "Nitrogen 6 to 6½ Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article did not contain 6 to 6½ per cent of nitrogen, but contained a less amount, to wit, 5.62 per cent; and further, for the reason that the statement, "Crude Fibre 10 to 12 Per Cent," borne on the labels, was false and misleading, because, as a matter of fact, the article contained a greater amount of crude fiber than 10 to 12 per cent, that is to say, it contained, to wit, 14.60 per cent of crude fiber.

On November 5, 1914, the defendant company entered a plea of not guilty to the information; on November 7, 1914, the case having been tried to the court and jury, a verdict of guilty was returned by the jury, and on November 10, 1914, the court imposed a fine of \$150.

D. F. HOUSTON, *Secretary of Agriculture.*

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