

**13100. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19183. I. S. No. 9118-v. S. No. C-4534.)

On November 21, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Brookville, Ind., alleging that the article had been shipped on November 1, 1924, by the Planters Cotton Oil Co., Waxahachie, Tex., and transported from the State of Texas into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal Not less than 6% Fat, 43% Protein—Not more than 12% Fiber."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing in the label, namely, "Not less than 43% Protein, Not More Than 12% Fiber" were false and were calculated to and did deceive and mislead the purchaser, in that the article did not contain 43 per cent of protein and 12 per cent of fiber but did contain a less amount of protein and a greater amount of fiber than declared.

On February 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*