12244. Misbranding of cottonseed meal. U. S. v. Planters Oil Co., a Corporation. Plea of guilty. Fine, $300. (F. & D. No. 17610. I. S. Nos. 3170-v, 3171-v, 3208-v, 3253-v, 3272-v.)

On December 8, 1923, the United States attorney for the Southern District of Georgia, 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 Planters Oil Co., a corporation, Albany, Ga., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 17, 18, 19, and 29, 1922, respectively, from the State of Georgia into the State of Florida, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "100 Lbs. Second Class Cotton Seed Meal Manufactured by Planters Oil Co. Albany, Ga. Guaranteed Analysis. Ammonia (Actual and potential 7.00 per cent (Equivalent to Protein 36.00 per cent)."

Analysis by the Bureau of Chemistry of this department of a sample from each of the five consignments showed the product to contain less ammonia and protein than stated on the labels, the said samples ranging from 6.38 per cent to 6.80 per cent of ammonia, and 32.81 per cent to 34.96 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis. Ammonia (Actual and potential 7.00 per cent (Equivalent to Protein 36.00 per cent)," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained 7 per cent of ammonia, the equivalent of 36 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 7 per cent of ammonia, the equivalent of 36 per cent of protein, whereas, in truth and in fact, it did not contain 7 per cent of ammonia but did contain a less amount, the five consignments containing approximately 6.66, 6.80, 6.44, 6.38, and 6.50 per cent of ammonia, respectively, the equivalent of 34.25, 34.96, 33.14, 32.81, and 33.44 per cent of protein, respectively.

On February 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $300.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12245. Misbranding of cottonseed meal. U. S. v. Yorkville Cotton Oil Co., a Corporation. Plea of nolo contendere. Fine, $50. (F. & D. No. 17708. I. S. No. 3299-v.)

On November 17, 1923, the United States attorney for the Western District of South Carolina, 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 Yorkville Cotton Oil Co., a corporation, York, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about February 10, 1923, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds Net 36 Per Cent Protein Cotton Seed Meal Good Quality Manufactured By Yorkville Cotton Oil Co., York, S. C. Guaranteed Analysis Protein 36 per cent Ammonia 7 per cent * * * Fiber 12 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 33.81 per cent of protein, 6.58 per cent of ammonia, and 12.96 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 36 per cent Ammonia 7 per cent * * * Fiber 12 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 12 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 12 per cent of fiber, whereas, in truth and in fact, the article contained less protein and ammonia and more fiber than declared on the label, to wit, approximately 33.69 per cent of protein, 6.58 per cent of ammonia, and 12.96 per cent of fiber.

On March 13, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*