**22091. Misbranding of cottonseed screenings. U. S. v. Feeders Supply & Manufacturing Co. Tried to the court. Judgment of guilty. Fine, $2 and costs.** (F. & D. no. 30254. Sample nos. 19817–A, 19823–A.)

This case was based on interstate shipments of cottonseed screenings which contained less protein than declared on the label.

On September 15, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Feeders Supply & Manufacturing Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 19 and November 22, 1932, from the State of Missouri into the State of Kansas, of quantities of cottonseed screenings which were misbranded. The article was labeled in part: (Tag) "Equity Brand Cottonseed Cake & Meal Guaranteed Analysis Protein not less than 43%. * * * Manufactured For Feeders Supply & Mfg. Co., * * * Kansas City, Mo."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On April 3, 1934, the case came on for trial before the court without a jury. Evidence was introduced by the defendant. No Government witnesses were called it having been stipulated that the evidence of the Government inspector and analyst would agree with the affidavits on file in the case. On April 4, 1934, the trial was concluded, and the defendant was pronounced guilty and sentenced to pay a fine of $2 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22092. Adulteration and misbranding of butter. U. S. v. Alva O. Weis and Charles Weis (Dixie Maid Creamery Co.). Plea of guilty. Fine, $75.** (F. & D. no. 30279. Sample no. 28719–A.)

This case was based on a shipment of butter which was low in milk fat and which was short weight.

On October 5, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alva O. Weis and Charles Weis, a partnership trading as Dixie Maid Creamery Co., Milford, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about January 6, 1933, from the State of Illinois into the State of Indiana, of a quantity of butter which adulterated and misbranded. The article was labeled in part: (Carton) "Gold Medal Butter Put Up Expressly For Calumet Products Co. Hammond, Indiana * * * One Pound Net."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not comply with the requirements of the law defining butter, and since the cartons contained less than 1 pound net. 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, since the statement made was incorrect.

On March 3, 1934, the defendants entered pleas of guilty to the information, and the court imposed a fine of $75.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22093. Misbranding of canned spaghetti and canned cherries. U. S. v. Otoe Food Products Co. Plea of nolo contendere. Fine, $25.** (F. & D. no. 30304. Sample nos. 2151–A, 2397–A.)

Samples of canned spaghetti and canned cherries taken from the shipments on which this case was based were found to contain less than the declared weight.

On January 12, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Otoe Food Products Co., a corporation, Nebraska