decree condemning and forfeiting the property, judgment was entered finding the product adulterated and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of $500, conditioned that the poisonous or deleterious ingredients be removed by cleaning, washing, or other means.

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

21757. Misbranding of cottonseed cake. U. S. v. The Hill County Cotton Oil Co. Plea of guilty. Fine, $75. (F. & D. no. 29376. I.S. nos. 47489, 47492.)

This case was based on shipments of cottonseed cake which contained less protein than was declared on the label, and a part of which was also short weight.

On March 7, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hill County Cotton Oil Co., Hillsboro, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 19, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake that was misbranded. A portion of the article was labeled: "43% Protein Cracked Cotton Seed Cake Prime Manufactured By Hill County Cotton Oil Company, Hillsboro, Texas, Guaranteed Analysis Protein, not less than 43.00 per cent." The remainder was labeled: "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Made from Decorticated Cotton Seed by Southland Cotton Oil Co. * * * Paris, Texas."

It was alleged in the information that the article was misbranded in that the statements, "43% Protein Cracked Cotton Seed Cake Prime", and "Guaranteed Analysis Protein, not less than 43.00 per cent", with respect to a portion of the article, and the statements, "100 Lbs. Net", and "Guaranteed Analysis Crude Protein, not less than 43%", with respect to the remainder, were 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, and the sacks in one of the shipments contained less than 100 pounds. Misbranding was alleged with respect to a portion of the article for the further reason that it 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 was incorrect.

On November 17, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75.

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

21758. Alleged adulteration and misbranding of butter. U. S. v. William Louis Korter (Idaho Dairy Products Co.). Tried to a jury. Verdict of not guilty. (F. & D. no. 29497. Sample nos. 1507-A, 1714-A, 1720-A, 1725-A.)

This case was based on interstate shipments of butter charged to be below the legal standard.

On May 15, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Louis Korter, trading as the Idaho Dairy Products Co., Moscow, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act, between the dates of April 15, 1932, and May 13, 1932, from the State of Idaho into the State of Washington, of quantities of butter that was charged to be adulterated and misbranded. The article was labeled in part: "Idaho State Creamery Butter."

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

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser.

On November 18, 1933, the case came on for trial before the court and a jury. The trial was completed on November 20, 1933, on which date the case was submitted to the jury, which returned a verdict of not guilty.

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