5281. Misbranding of cottonseed meal and (or) cake. U. S. * * * v. Mangum Cotton Oil Mill Co., a corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 7705. I. S. Nos. 10889–l, 18906–l, 10887–l.)

On January 22, 1917, the United States attorney for the Western District of Oklahoma, 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 Mangum Cotton Oil Mill Co., a corporation, Mangum, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 8, 1915, December 21, 1915, and January 14, 1916, from the State of Oklahoma into the State of Illinois, of quantities of cottonseed meal and (or) cake which was misbranded. The article was variously labeled in part: "Sunset Brand Prime Cotton Seed Meal and Cake * * *"; "Silo Brand Cotton Seed Meal or Cake * * *"; or "Equity Brand Cotton Seed Meal and Cake * * *."

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed respectively the following results:

	No. 1.	No. 2.	No. 3.
Crude fiber (per cent)	13.1	.....	11.7
Crude protein (per cent)	37.9	33.8	38.3
Nitrogen (per cent)	6.06	5.41	6.12
Ammonia (per cent)	7.37	6.58	7.44

In January 14 and December 8 shipments the product contains less ammonia, protein, and nitrogen, and more crude fiber, than is stated on the label. In the December 21 shipment the product contains less ammonia and protein than is stated on the label.

Misbranding of the article in the shipments of December 8, 1915, and January 14, 1916, was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis: Ammonia 8 to 8½% (Not less than 8%), Protein, 41 to 43% (Not less than 41%), * * * Nitrogen 6½ to 8% (Not less than 6½%) * * * Fiber (Maximum) 8 to 10% (Not more than 10%)" or "Guaranteed Analysis: Ammonia not less than 8%. Protein not less than 41%, Nitrogen not less 6½% * * * Crude Fiber not more than 10½%," as the case might be, was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 (or 10½) per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than 6½ per cent of nitrogen, and not more than 10 (or 10½) per cent of fiber, when, in truth and in fact, it contained less than 8 per cent of ammonia, less than 41 per cent of protein, less than 6½ per cent of nitrogen, and more than 10 (or 10½) per cent of fiber, to wit, approximately 7.37 (or 7.44) per cent of ammonia, approximately 37.9 (or 38.3) per cent of protein, approximately 6.06 (or 6.12) per cent of nitrogen, and approximately 13.1 (or 11.7) per cent of crude fiber. Misbranding of the article from the shipment of December 21, 1915, was alleged for the reason that the statement, borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis Ammonia 8 to 8½%, Protein 41 to 43%," was false and misleading in that it represented