

5303. Misbranding of cottonseed meal and cake. U. S. * * * v. Choctaw Cotton Oil Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 7747. I. S. No. 10689-1.)

On December 15, 1916, 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 Choctaw Cotton Oil Co., a corporation, doing business at Shawnee, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 12, 1916, from the State of Oklahoma into the State of Kansas, of a quantity of an article labeled in part, "Cotton Seed Meal and Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude protein (per cent)----- 37.1

The product contains less protein than is stated on the label.

The net weight is not declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed analysis Protein, not less than 41%," borne on the tag attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article contained not less than 41 per cent of protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, whereas, in truth and in fact, it contained less than 41 per cent of protein, to wit, approximately 37.1 per cent of protein. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*