

containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 100 pounds net of the article and that the article contained not less than 43 per cent of crude 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 each of the said sacks contained not less than 100 pounds net of the article and that said article contained not less than 43 per cent of crude protein, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the article, but did contain a less amount, and the said article did contain less than 43 per cent of crude protein, to wit, approximately 40.79 per cent of crude protein. 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.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10566. Misbranding of cottonseed cake. U. S. * * * v. Wichita Falls Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 14053. I. S. No. 12017-r.)

On October 31, 1921, the United States attorney for the Northern District of Texas, 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 Wichita Falls Cotton Oil Co., a corporation, Wichita Falls, Tex., alleging shipment by said company, on or about November 17, 1919, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds (Net) Ordinary Cottonseed Cake Manufactured by Wichita Falls Cotton Oil Company, Wichita Falls, Texas * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 41.12 per cent of crude protein. Examination of 50 sacks by said bureau showed that the average gross weight thereof was 96.86 pounds, and that the average net weight was 96.17 pounds.

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "100 Pounds (Net)" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said sacks contained 100 pounds net of the article, and that it contained not less than 43 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 each of the said sacks contained 100 pounds net of the article, and that it contained not less than 43 per cent of protein, whereas, in truth and in fact, each of the said sacks did not contain 100 pounds net of the said article but did contain a less amount, and the said article did contain less than 43 per cent of protein, to wit, 41.12 per cent of protein. 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.

On December 19, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10567. Adulteration of shell eggs. U. S. * * * v. John R. Huie. Plea of guilty. Fine, \$10. (F. & D. No. 14340. I. S. No. 446-t.)

On September 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John R. Huie, Odell, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 29, 1920, from the State of Texas into the State of Oklahoma, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. R. Huie, Odell, Texas * * *."

Examination, by the Bureau of Chemistry of this department, of the 360 eggs involved in the consignment showed the presence of 109, or 30.27 per cent, in-