

10665. Adulteration and misbranding of rye middlings. U. S. * * * v. Globe Milling Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 14051. I. S. No. 24635.)

On April 14, 1921, the United States attorney for the Western District of Wisconsin, 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 Globe Milling Co., a corporation, Watertown, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 31, 1919, from the State of Wisconsin into the State of Indiana, of a quantity of rye middlings which was adulterated and misbranded. The article was labeled in part, "* * * Globe Rye Middlings * * * Globe Milling Co. Watertown, Wisconsin"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be rye shorts, containing approximately 10 per cent of extraneous material, which appeared to be from screenings and scourings.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, weed seeds and straw, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for rye middlings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Rye Middlings," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of rye middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of rye middlings, whereas, in truth and in fact, it did not so consist, but did consist in part of weed seeds and straw.

On March 13, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

10666. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Alston Boyd (Washington Cotton Oil Co.). Plea of guilty. Fine, \$75. (F. & D. No. 14368. I. S. Nos. 8894-r, 8897-r.)

On June 25, 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 Alston Boyd, trading as the Washington Cotton Oil Co., Dallas, Texas, alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of Texas into the State of Minnesota, on or about March 11, and March 19, 1920, respectively, of quantities of cottonseed meal, a portion of which was misbranded and the remainder of which was adulterated and misbranded. A portion of the product involved in the consignment of March 19 was labeled in part, "* * * Ordinary Cotton Seed Meal Manufactured by Washington Cotton Oil Company Dallas, Texas. Guaranteed Analysis: Crude Protein Not Less Than 43.00 per cent * * *"

Analysis of a sample of the article from the consignment of March 19 by the Bureau of Chemistry of this department showed that it contained 41.45 per cent of protein.

Adulteration of the article involved in the consignment of March 19 was alleged in the information for the reason that a substance, to wit, a cottonseed meal containing less than 43 per cent of protein, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for cottonseed meal containing not less than 43 per cent of protein, which the said article purported to be.

Misbranding of the article involved in both consignments was alleged in substance for the reason that it was food in package form and the quantity of the contents of the containers in a portion of the consignment of March 19, and in all of the consignment of March 11, was not plainly and conspicuously marked on the outside of the said packages.

On March 3, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

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