

**10723. Misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 15596. I. S. No. 12783-t.)**

On March 15, 1922, 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 Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 24, 1921, from the State of Oklahoma into the State of Texas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 lbs. Net Elko Brand Cotton Seed Cake or Meal Elk City Cotton Oil Co. Elk City, Okla \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.39 per cent of protein and 13.45 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Cotton Seed Cake or Meal \* \* \* Guaranteed Analysis Crude Protein (minimum) 43 Per Cent \* \* \* Crude Fibre (maximum) 10 Per cent," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained in the said sacks, were false and misleading in that the statement "cotton seed cake" represented that the article was cottonseed cake or meal, to wit, a cottonseed product containing not less than 36 per cent of protein, and in that it was also represented to contain not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed cake or meal, to wit, a cottonseed product containing not less than 36 per cent of protein and that it contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, whereas, in truth and in fact, the said article was not cottonseed cake or meal, in that it contained less than 36 per cent of protein, to wit, approximately 34.39 per cent of protein, and the said article contained less than 43 per cent of crude protein and more than 10 per cent of crude fiber. Misbranding was alleged for the further reason that the article was a product composed of a mixture of cottonseed hulls and cottonseed meal deficient in crude protein and containing excess quantities of crude fiber, and was an imitation of and offered for sale under the distinctive name of another article, to wit, cottonseed meal or cake.

On April 3, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

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

**10724. Adulteration of lemons. U. S. v. 124 Boxes of Lemons. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15756. I. S. No. 6040-t. S. No. E-3798.)**

On March 7, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 124 boxes of lemons, remaining in the original and unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Joseph Gentile Co., Highland, Calif., on or about February 15, 1922, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chess King \* \* \* Ely Gillmore Fruit Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed vegetable substance.

On April 1, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**10725. Misbranding of Lee's Hazel antiseptic cones. U. S. v. 31 Packages of Lee's Hazel Antiseptic Cones. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16114. S. No. C-3516.)**

On April 19, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Lee's Hazel antiseptic cones, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hazel Hygienic Co., Denver, Colo., on or about April 7, 1922,