

10730. Alleged misbranding of cottonseed meal. U. S. v. Red River Oil Co., Ltd., a Corporation. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 11800. I. S. No. 11995-r.)

On July 31, 1920, the United States attorney for the Western District of Louisiana, 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 Red River Oil Co., Ltd., a corporation, Alexandria, La., alleging shipment by said company, on or about February 2, 1919, from the State of Louisiana into the State of Kansas, of a quantity of Forfat Brand cottonseed meal, which was alleged to have been misbranded, in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of nitrogen. Examination also showed that the average net weight of 23 sacks was 95.97 pounds.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis * * * Protein 38.55% * * * Crude Fibre 12.00% * * * Equivalent Nitrogen 6.17%" and "100 lbs. Gross 99 lbs. Net," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, and that each of the said sacks weighed not less than 100 pounds gross, and that each of the said sacks contained not less than 99 pounds net of the article, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 38.55 per cent of protein, not more than 12 per cent of crude fiber, and not less than 6.17 per cent of equivalent nitrogen, that each of said sacks weighed not less than 100 pounds gross, and that each of said sacks contained not less than 99 pounds net of the article, whereas, in truth and in fact, said article contained less than 38.55 per cent of protein, more than 12 per cent of crude fiber, and less than 6.17 per cent of equivalent nitrogen, to wit, 37.06 per cent of protein, 15.79 per cent of crude fiber, and 5.93 per cent of equivalent nitrogen, each of said sacks did not weigh 100 pounds gross, and each of said sacks did not contain 99 pounds net of the article. 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 June 12, 1922, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was given to the jury and after due deliberation they returned into court with a verdict of not guilty.

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

10731. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed feed. U. S. v. Southern Cotton Oil Co. Judgment conceded in one case, fine of \$50 and costs imposed; other case tried to the court, finding of guilty, and fine of \$25 and costs. (F. & D. Nos. 14345, 14504. I. S. Nos. 11091-r, 24732-r.)

On May 12 and 21, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Southern Cotton Oil Co., a corporation, doing business at Newport, Ark., alleging shipment by said company, in one of the informations, on or about November 26, 1919, from the State of Arkansas into the State of Michigan, of a quantity of Danish Brand cottonseed meal, which was adulterated and misbranded, and, in the other information, by said company, in the name of S. P. Davis, on or about November 1, 1919, from the State of Arkansas into the State of Wisconsin, of a quantity of Beauty Brand cottonseed feed, the first of which was adulterated and misbranded and the second misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 5.47 per cent of nitrogen, 34.2 per cent of protein, and 15.71 per cent of crude fiber, and that the cottonseed feed contained 5.27 per cent of fat, 5.41 per cent of nitrogen, 6.57 per cent of ammonia, and 33.86 per cent of protein.

Adulteration of the cottonseed meal was alleged in one of the informations for the reason that a certain substance, to wit, cottonseed hulls, had been mixed