

"When Packed." (stencil in small illegible type) "Contains Small Percent Screenings."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, wild oats, barley, unthreshed wheat, weed seeds, and stems, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its strength and quality and had been substituted in part for oats.

Misbranding was alleged for the reason that the designation "Sample Oats" was false and misleading and deceived and misled the purchaser into the belief that the article was sample oats, whereas in truth it was not but was a mixture of wild oats, barley, unthreshed wheat, weed seeds, and stems, and for the further reason that it was offered for sale under the distinctive name of another article, to wit, oats.

On July 7, 1924, Thistlewood & Co., Cairo, Ill., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Mixed Grain Composed of Oats, Barley, Unthreshed Wheat, Weed Seeds, and Stems."

HOWARD M. GORE, *Secretary of Agriculture.*

12456. Misbranding of cottonseed meal. U. S. v. Texas Refining Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 17908. I. S. Nos. 11299-v, 11428-v.)

On February 1, 1924, 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 Texas Refining Co., a corporation, Greenville, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 26 and January 31, 1923, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Prime Quality Manufactured by Texas Refining Company Greenville, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per cent." A portion of the article bore a second tag containing the statement: "Protein not less than 43.00%."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that the said samples contained 40.54 per cent and 40.45 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing both consignments of the article, and the statement, to wit, "Guaranteed Analysis Protein not less than 43.00%," borne on a second tag attached to the sacks containing a portion of the said article, were false and misleading in that the said statements represented that the article 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 it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, the said consignments containing approximately 40.54 per cent and 40.45 per cent, respectively, of protein.

On May 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HOWARD M. GORE, *Secretary of Agriculture.*

12457. Adulteration and misbranding of butter. U. S. v. Montello, Buffalo & Shields Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18353. I. S. No. 4223-v.)

On May 6, 1924, the United States attorney for the Eastern 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 Montello, Buffalo & Shields Creamery Co., a corporation, Montello, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 4, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

Analysis of 6 samples of the article by the Bureau of Chemistry of this department showed that the average moisture content of the samples of the