

13271. Misbranding of butter. U. S. v. Cleve H. Park and Gilbert S. Fraser (Mount Scott Creamery Co.). Pleas of guilty. Fines, \$25 and costs. (F. & D. No. 19587. I. S. No. 18384-v.)

On March 24, 1925, 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 Cleve H. Park and Gilbert S. Fraser, copartners, trading as Mount Scott Creamery Co., Lawton, Okla., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about July 8, 1924, from the State of Oklahoma into the State of Texas, of a quantity of butter which was misbranded. The article was labeled in part: "Creamery Butter * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 50 prints from the consignment showed that the average net weight of the prints examined was 15.69 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 1 pound net of butter, whereas the said packages did not contain 1 pound net of butter but did contain a less amount. 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 April 6, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$25, together with the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13272. Adulteration and misbranding of cottonseed meal. U. S. v. Covington Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19579. I. S. No. 21852-v.)

On March 17, 1925, the United States attorney for the Western District of Tennessee, 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 Covington Cotton Oil Co., a corporation, Covington, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 12, 1924, from the State of Tennessee into the State of Ohio, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Guaranteed Analysis Not Less Than Protein (Equivalent to 8% ammonia) 41.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 39.3 per cent of protein, equivalent to 7.64 per cent of ammonia.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, in that it contained less than 41 per cent of protein, equivalent to 8 per cent of ammonia, had been substituted for prime cottonseed meal guaranteed to contain not less than 41 per cent of protein equivalent to 8 per cent of ammonia, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guaranteed Analysis Not Less than Protein (Equivalent to 8% ammonia) 41.00%," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained 41 per cent of protein, equivalent to 8 per cent of ammonia, 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 41 per cent of protein, equivalent to 8 per cent of ammonia, whereas the said article contained less than 41 per cent of protein.

On March 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*