

1717. Misbranding of spaghetti and macaroni. U. S. v. 34 Cases of Spaghetti and 199 Cases of Macaroni. Decree of condemnation. Product ordered released for repacking. (F. D. C. No. 2332. Sample Nos. 5671-E, 5672-E.)

The spaghetti occupied about 44 percent of the capacity of its package and the macaroni about 78 percent of the capacity of its package.

On July 9, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 34 cases of spaghetti and 199 cases of macaroni at Chattanooga, Tenn., alleging that the articles had been shipped in interstate commerce on or about June 14, 1940, by the Kentucky Macaroni Co. from Louisville, Ky.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Colonial Brand Spaghetti [or "Elbow Macaroni"] Distributed by C. B. Ragland Co."

On July 23, 1940, the Kentucky Macaroni Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released to the claimant for repacking in packages meeting all requirements of the law.

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1718. Adulteration and misbranding of alfalfa meal. U. S. v. The Lamar Alfalfa Milling Co., a corporation. Case tried to a jury. Verdict of guilty. Fine, \$300. (F. D. C. No. 2868. Sample No. 18488-E.)

This product was represented to consist wholly of alfalfa meal; whereas it consisted in part of alfalfa stem meal. It contained less protein and more crude fiber than were declared.

On October 31, 1940, the United States attorney for the District of Colorado filed an information against the Lamar Alfalfa Milling Co., Lamar, Colo., alleging shipment on or about May 31, 1940, from the State of Colorado into the State of Kansas of a quantity of alfalfa meal that was adulterated and misbranded.

The article was alleged to be adulterated in that alfalfa stem meal had been substituted in part for alfalfa meal, which it purported to be.

It was alleged to be misbranded in that the statements, "Alfalfa Meal" and "Protein not less than 13 percent * * * Fibre, not more than 33 percent," borne on the tags attached to the sacks, were false and misleading in that they represented that the article consisted wholly of alfalfa meal and contained not less than 13 percent of protein and not more than 33 percent of fiber; whereas it consisted in part of alfalfa stem meal, and contained not more than 11.63 percent of protein, and not less than 35.30 percent of fiber.

On February 26, 1941, the case was tried to a jury which rendered a verdict of guilty. On March 1, 1941, the defendant's motion to set aside the verdict and for a new trial was overruled without opinion, and the court imposed a fine of \$300.

1719. Misbranding of cottonseed feed. U. S. v. Red River Cotton Oil Co., Inc. Plea of guilty. Fine, \$150. (F. D. C. No. 2098. Sample No. 5985-D.)

This product contained a smaller percentage of protein than that declared on the label.

On August 1, 1940, the United States attorney for the Western District of Louisiana filed an information against the Red River Cotton Oil Co., Inc., Alexandria, La., alleging shipment on or about February 21, 1940, from the State of Louisiana into the State of Texas of a quantity of cottonseed feed that was misbranded.

The article was alleged to be misbranded in that the statements "41.12% Protein Ground Cotton Seed Feed * * * Guaranteed Analysis Crude Protein not less than 41.12 percent," borne on the tags attached to the sacks containing it, were false and misleading since it contained less than 41.12 percent, namely, not more than 37.90 percent of crude protein.

On December 6, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

1720. Misbranding of whole pressed cottonseed feed. U. S. v. Washington Cotton Oil Mill, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 2845. Sample No. 5986-D.)

This product contained a smaller proportion of crude protein and a larger proportion of crude fiber than those declared.

On October 22, 1940, the United States attorney for the Western District of Louisiana filed an information against the Washington Cotton Oil Mill, Inc.,