

**5329. Misbranding of cottonseed meal or cake. U. S. \* \* \* v. Richard K. Wootten and Edward C. Burton (Wootten-Burton Sales Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 7850. I. S. No. 16056-1.)**

On July 9, 1917, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten and Edward C. Burton, copartners trading as the Wootten-Burton Sales Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 3, 1916, from the State of Missouri into the State of Iowa, of a quantity of an article labeled in part, "Choice Cotton Seed Meal or Cake," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed 37.3 per cent crude protein.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Choice Cotton Seed Meal \* \* \* Wootten-Burton Sales Co. \* \* \* hereby certifies \* \* \* the following chemical analysis: Crude Protein . . . not less than . . . 41 to 43 per cent," borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was choice cottonseed meal, and that it contained not less than 41 per cent of crude protein; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was choice cottonseed meal which contained not less than 41 per cent of crude protein, whereas, in truth and in fact, it was not choice cottonseed meal which contained not less than 41 per cent of crude protein, but was a product inferior to choice cottonseed meal, and contained less than 41 per cent of protein, to wit, approximately 37.3 per cent of protein.

On October 8, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*