

ber 11, 1919, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds (Net) Ordinary Cotton Seed Meal Manufactured By Riverside Cotton Oil Company Fort Worth, Texas."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 44 sacks examined was 96.05 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds (Net)," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks contained 100 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds net of the said article 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 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11661. Misbranding of cottonseed meal. U. S. v. Homer N. Chapman, Henry Clay McCarter, R. Edd Orr, and Rush Hickman (Planters Cotton Oil Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 15053. I. S. Nos. 11930-t, 11934-t.)**

On July 7, 1922, 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 Homer N. Chapman, Henry Clay McCarter, R. Edd Orr, and Rush Hickman, trading as the Planters Cotton Oil Co., Waxahachie, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely, on or about August 14 and 16, 1920, respectively, from the State of Texas into the State of Michigan, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "Farmer Brand Choice Cotton Seed Meal 100 lbs. Gross, 99 lbs. net Protein, (not less than) 43 per ct. \* \* \* Fiber (not over) 10 per ct."

Examination by the Bureau of Chemistry of this department of 60 sacks of the article taken from the consignment of August 14, 1920, showed an average weight of 95 pounds. Analysis by said bureau of a sample of the article taken from the consignment of August 16, 1920, showed that it contained 39.29 per cent of protein and 12.20 per cent of crude fiber.

Misbranding of the product involved in the consignment of August 14 was alleged for the reason that the statement, to wit, "100 lbs. Gross, 99 lbs. net," borne on the tags attached to the sacks containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks weighed 100 pounds gross and contained 99 pounds net of the article, whereas, in truth and in fact, each of the said sacks did not weigh 100 pounds gross but did weigh a less amount, and each of said sacks did not contain 99 pounds net of the article but did contain a less amount. Misbranding was alleged with respect to the remaining consignment of the product for the reason that the statement, to wit, "Protein, (not less than) 43 per ct. \* \* \* Fiber (not over) 10 per ct.," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 43 per cent of protein and not more than 10 per cent of fiber, and for the further reason that the article 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 and not more than 10 per cent of fiber, whereas, in truth and in fact, it did contain less than 43 per cent of protein, to wit, 39.29 per cent of protein, and did contain more than 10 per cent of fiber, to wit, 12.20 per cent of fiber.

On February 15, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*