

14311. Misbranding of cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, \$150. (F. & D. No. 19685. I. S. No. 7400-v.)

On October 28, 1925, 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, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about January 2, 1925, from the State of Texas into the State of Wisconsin, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43 Per Cent Protein Cottonseed Meal Prime Quality Manufactured by Texas Refining Company, Greenville, Texas, Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 39.8 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 Per Cent Protein Cottonseed Meal" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the said article, were false and misleading, in that the said statements represented that the article was 43 per cent protein cottonseed meal and that it contained not less than 43 per cent of crude 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 was 43 per cent protein cottonseed meal and contained not less than 43 per cent of crude protein, whereas it was not 43 per cent protein cottonseed meal, in that it contained less than 43 per cent of crude protein.

On May 27, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

4312. Adulteration and misbranding of egg substitute. U. S. v. 418 Pounds of Alleged Egg Substitute. Consent decree of forfeiture. (F. & D. No. 14869. I. S. Nos. 1122-t, 1123-t. S. No. C-2904.)

On May 18, 1921, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 418 pounds of alleged egg substitute, at Omaha, Nebr., alleging that the article had been shipped by the International Co. from Baltimore, Md., in two consignments, on or about July 6 and December 28, 1920, respectively, and transported from the State of Maryland into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled: "Egg Substitute."

It was alleged in the libel that the article was adulterated within the meaning of section 7 of the act, paragraphs 1 and 2 under food, in that it was a mixture of skimmed milk, corn starch, and sugar, colored with coal-tar dye. Adulteration was further alleged in that the article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the label bore the statement, "Egg Substitute," which was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of an article offered for sale under the distinctive name of another article.

On December 3, 1925, the International Co., Baltimore, Md., having withdrawn its claim and all pleadings without admitting the charges of misbranding or adulteration, but expressly denying the same, and having stated that the manufacture of the product covered by the libel had been discontinued and that the question of fact involved in this case would not be conclusive in any future proceeding, judgment was entered, forfeiting the product to the Government and ordering that costs be paid by the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

4313. Misbranding of San-Tox kidney and bladder pills. U. S. v. 40 Dozen Large Bottles and 35 Dozen Small Bottles of San-Tox Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20732. S. No. E-5554.)

On January 4, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 dozen large bottles and 35 dozen small bottles of San-Tox kidney and bladder pills, remaining in the original and unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the DePree Co.,