

and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$450, conditioned in part that it be reconditioned so as to conform with the Federal food and drugs act.

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

15705. Misbranding of cottonseed meal. U. S. v. 120 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22322. I. S. No. 8607-x. S. No. 369.)

On December 22, 1927, the United States attorney for the District of Maine, 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 120 bags of cottonseed meal, remaining in the original unbroken packages at Waterboro, Me., consigned about October 4, 1927, alleging that the article had been shipped by the Planters Oil Co., Albany, Ga., and transported from the State of Georgia into the State of Maine, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the statement, "Choice Prime Cottonseed Meal Guaranteed Analysis Min. Protein 41.12%," was false and misleading and deceived and misled purchasers.

On February 1, 1928, the Humphreys-Godwin Co., Memphis, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

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

15706. Misbranding of cottonseed meal and cake. U. S. v. John F. Smith, Nathan B. Higbie, and William B. Traynor (Brownwood Cotton Oil Mill). Pleas of guilty. Fine, \$600. (F. & D. No. 22532. I. S. Nos. 15103-x, 15104-x, 15138-x, 15139-x, 15141-x, 15188-x, 15231-x, 15232-x.)

On February 20, 1928, 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 John F. Smith, Nathan B. Higbie, and William B. Traynor, trading as the Brownwood Cotton Oil Mill, Brownwood, Texas, alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, between the dates of November 26, 1926, and December 15, 1926, from the State of Texas into the States of Montana, New Mexico, and Colorado, respectively, of quantities of cottonseed meal and cake, which were misbranded. The articles were labeled, variously: (Tags) "Prime Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein, not less than 43% * * *," "* * * 43% Protein Cottonseed Cake (or "Meal") Prime Quality Manufactured by Brownwood Cotton Oil Mill Brownwood, Texas Guaranteed Analysis: Protein not less than 43.00 per cent * * *," "* * * 43% Protein Cotton Seed Meal Prime Quality Manufactured by Coleman Cotton Oil Mill Coleman, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per cent * * *."

It was alleged in the information that the articles were misbranded in that the statements, to wit, "Guaranteed Analysis Protein, not less than 43%," "43% Protein Cottonseed Cake," or "43% Protein Cottonseed Meal," "Guaranteed Analysis: Protein not less than 43.00 per cent," or "Guaranteed Analysis: Crude Protein not less than 43 per cent," as the case might be, borne on the tags attached to the sacks containing the articles, were false and misleading in that the said statements represented that the articles contained 43 per cent of protein, or 43 per cent of crude protein, and that portions of the said articles were 43 per cent protein cottonseed cake or meal, and for the further reason that they were labeled as foresaid so as to deceive and mislead the purchaser into the belief that they contained 43 per cent of protein, or 43 per cent of crude protein, and that the said portions were 43 per cent protein cottonseed cake or meal, whereas they contained less than 43 per cent of protein or crude protein, and said portions were not 43 per cent protein cottonseed cake or meal.

On April 23, 1928, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$600.

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