

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16876-16900

[Approved by the Secretary of Agriculture, Washington, D. C., July 16, 1930]

16876. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23589. I. S. No. 013038. S. No. 1838.)

On April 8, 1929, the United States attorney for the Eastern District of Kentucky, 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 400 sacks of cottonseed meal, remaining in the original packages at Winchester, Ky., consigned by the Dan Joseph Co., Columbus, Ga., February 26, 1929, alleging that the article had been transported in interstate commerce from Columbus, Ga., into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pinta Columbus Brand, 41% protein Cottonseed Meal, made by Dan Joseph Co., Columbus, Ga., guaranteed minimum analysis Protein 41%."

Misbranding of the article was alleged in the libel for the reason that the label bore statements, designs, and devices regarding the said article, which were false and misleading in that it was labeled to represent that it contained 41 per cent of protein, and with the intent of deceiving and misleading the purchaser to believe that it contained 41 per cent of protein, whereas it did not, but did contain less than 41 per cent of protein.

On November 7, 1929, the Winchester Roller Mills, Winchester, Ky., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16877. Misbranding of crab meat. U. S. v. Nelson R. Coulbourn. Plea of guilty. Fine, \$25. (F. & D. No. 22547. I. S. No. 20226-x.)

On October 18, 1928, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nelson R. Coulbourn, Hampton, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 25, 1927, from the State of Virginia into the State of Pennsylvania, of a quantity of crab meat which was misbranded.

It was alleged in the information that the article was misbranded in that the statement "Net Contents 1 Lb.," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of said cans contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 pound net of the article, whereas they did not, 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 November 12, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*