

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]

16901-16925

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 4, 1930]

16901. Misbranding of cottonseed meal. U. S. v. Home Oil Mill. Plea of guilty. Fine, \$150. (F. & D. No. 23715. I. S. Nos. 8542-x, 11872-x, 15835-x, 18381-x, 18576-x, 20650-x.)

On May 3, 1929, the United States attorney for the Northern District of Alabama, 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 Home Oil Mill, a corporation, Decatur, Ala., alleging shipment by said company, in violation of the food and drugs act, between the approximate dates of August 10, 1927, and November 17, 1927, from the State of Alabama in various consignments into the States of Maryland, New York, Tennessee, Kentucky, and Pennsylvania, respectively, of quantities of cottonseed meal which was misbranded.

It was alleged in the information that the article was misbranded in that the statements borne on the various labels of certain portions of the article, to wit, "Guaranteed Analysis * * * 41% Prime Cottonseed Meal," "Protein (min.) 41.00%," "Guaranteed Analysis * * * 36% Prime Cotton Seed Meal," "Guaranteed Analysis Protein 41.00 Per Cent," "Prime Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 41.00%," were false and misleading in that the said statements represented that the article was 41 per cent cottonseed meal, or 36 per cent cottonseed meal, and contained 41 per cent of protein, or 36 per cent of protein, as the case might be; 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 41 per cent cottonseed meal, or 36 per cent cottonseed meal, and contained 41 per cent, or 36 per cent, as the case might be, of protein; whereas it was not cottonseed meal of the grade represented and contained less protein than declared on the label, the various lots of so-called 41 per cent cottonseed meal containing approximately 38.93 per cent, 39 per cent, 39.77 per cent, and 38.94 per cent, respectively, of protein and the so-called 36 per cent cottonseed meal containing approximately 34.34 per cent of protein. Misbranding was alleged with respect to the remaining portion of the article for the reason that the statements, to wit, "High Grade Cotton Seed Meal * * * Guaranteed Analysis Crude Protein 41.00% (Equals Ammonia) 8.00% * * * Nitrogen 6.50%" borne on the label were false and misleading in that they represented that the article was high-grade cottonseed meal and contained not less than 41 per cent of protein, equal to 8 per cent of ammonia and not less than 6.50 per cent of nitrogen; 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 high-grade cottonseed meal and contained not less than 41 per cent of protein, equal to 8 per cent of ammonia and not less than 6.50 per cent of nitrogen, whereas it was not high-grade cottonseed meal, and contained less than 41 per cent of ammonia and less than 6.50 per cent of nitrogen, to wit, approximately 37.02 per cent of protein, equal to 7.19 per cent of ammonia, and approximately 5.92 per cent of nitrogen.

On October 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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