

Washington, La., alleging shipment on or about February 23, 1940, from the State of Louisiana into the State of Texas of a quantity of cottonseed feed that was misbranded. The article was labeled in part: (Tag) "Whole Pressed Cotton Seed * * * Manufactured For and Guaranteed by Louis Tobian & Co., Dallas, Texas."

It was alleged to be misbranded in that the statements "Crude Protein not less than 28 percent * * * Crude Fiber not more than 23 percent," borne on the tag attached to the sacks, were false and misleading since it contained not more than 25.55 percent of crude protein and not less than 26.52 percent of crude fiber.

On January 28, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

1721. Adulteration and misbranding of dairy feed. U. S. v. 92 Bags of Dairy Ration. Default decree of condemnation. (F. D. C. No. 4030. Sample No. 17482-E.)

This product did not contain certain ingredients declared on the label.

On March 26, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 92 bags of dairy ration at Pennsboro, W. Va., alleging that the article had been shipped in interstate commerce on January 10, 1941, by the Herman-McLean Co. from Monroeville, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: (Tag) "100 Lbs. Net Ohio 16% Dairy Ration * * * Ingredients: Cottonseed Meal, Corn Gluten Feed, Soft Winter Wheat Bran, Brewers Grains, Coconut Oil Meal, Soya Bean Oil Meal, Alfalfa Meal, 10% Ground Wheat and Flax Screenings, 10% Oat Mill Feed, Cane Molasses, 1% Calcium Carbonate, 1% Salt."

The article was alleged to be adulterated in that cottonseed meal, corn gluten feed, brewers' grains, coconut oil meal, or oat mill feed, valuable constituents, had been in whole or in part omitted therefrom.

It was alleged to be misbranded in that the following statement was false and misleading, "Ingredients: Cottonseed Meal, Corn Gluten Feed * * * Brewers Grains, Coconut Oil Meal * * * 10% Oat Mill Feed," since it was incorrect.

On April 29, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the 92 bags covered by the libel be destroyed, but that 66 bags which had been seized but which were not covered by the libel be released to the owner.

DAIRY PRODUCTS

BUTTER

Nos. 1722 to 1726, inclusive, report the institution of criminal proceedings and the judgment entered in actions based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

1722. Adulteration of butter and poultry. U. S. v. Oliver G. Harp (O. G. Harp Poultry & Egg Co.). Plea of guilty. Fine, \$175 and costs. (F. D. C. No. 2077. Sample Nos. 55173-D, 55175-D, 55305-D, 68465-D, 85738-D, 85739-D, 85740-D, 89409-D.)

This case also involved shipments of chickens, fowls, and turkeys which were in part emaciated and diseased.

On August 13, 1940, the United States attorney for the Western District of Oklahoma filed an information against Oliver G. Harp, trading as O. G. Harp Poultry & Egg Co. at Shawnee, Okla., alleging shipment within the period from on or about August 7 to on or about December 8, 1939, from the State of Oklahoma into the States of Illinois and New York of quantities of butter and poultry that were adulterated.

The butter was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The poultry was alleged to be adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On October 11, 1940, the defendant having entered a plea of guilty, the court imposed a fine of \$175 and costs.