

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 758, FOOD AND DRUGS ACT.

MISBRANDING OF COTTONSEED MEAL.

On or about October 20, 1909, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Indiana a consignment of cottonseed meal labeled as follows: "J. Lindsay Wells Co., Memphis, Tenn. Star Brand Choice Finely Ground Cotton-seed Meal. Guar. Analysis: Ammonia not under 8%, Nitrogen not under 6½%, Protein not under 41%, Oil and Fat not under 9%, Crude Fiber 7%. J. Lindsay Wells Co., Memphis, Tenn., guarantees this Star Brand Cotton-seed Meal to contain not less than 9% of Crude Fat, 41% of Protein, and to be compounded from the following ingredients: Cotton-seed Product . . ." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 9.87 per cent moisture, 6.93 per cent ether extract, 39.88 per cent protein, and 11.05 per cent crude fiber. As it appeared from the above analysis and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. Lindsay Wells Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label thereon represented that the said cottonseed meal contained not less than 9 per cent of crude fat and not more than 7 per cent of crude fiber, whereas in truth and in fact the said product did not contain 9 per cent of crude fat and did contain more than 7 per cent of crude fiber.

On December 3, 1910, the defendant pleaded guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1911.*

