

**5943. Misbranding of cottonseed meal. U. S. \* \* \* v. Phoenix Cotton Oil Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 8212. I. S. No. 9176-m.)**

On June 8, 1917, the United States attorney for the Western District of Tennessee, 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 Phoenix Cotton Oil Co., a corporation, Dyersburg, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 6, 1916, from the State of Tennessee into the State of Maine, of a quantity of an article labeled in part, "Pilgrim Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nitrogen (per cent)-----	5.60
Ammonia (per cent)-----	6.81
Fat (per cent)-----	6.24
Crude fiber (per cent)-----	13.20
Protein (N×6.25) (per cent)-----	35.00

Sample is lower in nitrogen and protein and higher in crude fiber than stated on the guarantee tag.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks, regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis Protein, not less than 38½% \* \* \* Nitrogen, not less than 6% Fibre, not more than 10%," was false and misleading in that it represented that the article contained not less than 38½ per cent of protein, not less than 6 per cent of nitrogen, and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 38½ per cent of protein, not less than 6 per cent of nitrogen, and not more than 10 per cent of fiber, whereas, in truth and in fact, it contained less than the amounts indicated of protein and nitrogen and more than 10 per cent of fiber, to wit, 35 per cent of protein, 5.60 per cent of nitrogen, and 13.20 per cent of fiber.

On January 19, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*