

5959. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Phoenix Cotton Oil Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 8288. I. S. No. 3795-1.)

On January 12, 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 February 3, 1916, from the State of Tennessee into the State of Maine, of a quantity of an article labeled in part, "Dove Brand Prime Cotton Seed Meal," which was adulterated and misbranded.

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

Fat (per cent).....	5.57
Fiber (per cent).....	15.35
Protein (per cent).....	32.81
Total nitrogen (per cent).....	5.25
Ammonia (per cent).....	6.38

The above analysis shows the product to be of lower grade than prime cottonseed meal, that it contained an excess of fiber indicating added hulls, and contained less than 38.63 per cent protein, 6 per cent fat, 6.18 per cent nitrogen, 7.50 per cent ammonia, and more than 10 per cent fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added hulls, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for prime cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statements regarding the article and ingredients and substances contained therein, to wit, "Guaranteed Analysis * * * Prime Cotton Seed Meal * * * Ammonia 7.50%, Protein 38.63%, Fat 6.00%, Nitrogen 6.18%. These are minimum guarantees frequently runs higher Fibre. Maximum 10.00%," were false and misleading in that they represented that the article was prime cottonseed meal which contained not less than 7.50 per cent of ammonia, 38.63 per cent of protein, 6.00 per cent of fat, 6.18 per cent of nitrogen, and not more than 10.00 per cent of fiber, 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 prime cottonseed meal which contained not less than 7.50 per cent of ammonia, 38.63 per cent of protein, 6.00 per cent of fat, 6.18 per cent of nitrogen, and not more than 10.00 per cent of fiber, whereas, in truth and in fact, it was not prime cottonseed meal which contained not less than the amounts indicated of ammonia, protein, fat, and nitrogen, and not more than 10 per cent of fiber, but was a product inferior to prime cottonseed meal, to wit, a mixture of cottonseed meal and added hulls, which contained approximately 6.38 per cent of ammonia, approximately 32.81 per cent of protein, approximately 5.57 per cent of fat, approximately 5.25 per cent of nitrogen, and 15.35 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 \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*