

Adulteration of the article was alleged in the libel for the reason that certain substances, to wit, water and partially fermented apple juice, had been mixed and packed therewith so as to reduce and lower its quality and strength, and in that a substance deficient in acid strength had been substituted wholly and in part for the article.

Misbranding was alleged for the reason that the bottles containing the article were labeled in part, "Pure Cider Vinegar Made From The Juice Of Fresh Apples," and bore a design showing a whole apple, which labeling was false and misleading and deceived and misled the purchaser by representing that the article was vinegar, whereas, in truth and in fact, it was not vinegar, but was a substance consisting in part of water and partially fermented apple juice, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, vinegar.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

9198. Misbranding of cottonseed meal and cake. U. S. * * * v. Commonwealth Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 13907. I. S. Nos. 12024-r, 18824-r.)

On January 11, 1921, the United States attorney for the Western District of Oklahoma, 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 Commonwealth Cotton Oil Co., a corporation, Cushing, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 17 and 26, 1920, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cottonseed cake which were misbranded. The articles were labeled in part, "Gold Medal—43 Per Cent * * * Cottonseed Meal or Cake * * * Commonwealth Cotton Oil Co. Cushing, Oklahoma."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the cottonseed meal contained 14.85 per cent of crude fiber, 5.94 per cent of total nitrogen, and 37.13 per cent of crude protein, and that the cottonseed cake contained 12.22 per cent of crude fiber, 6.54 per cent of total nitrogen, and 40.92 per cent of crude protein.

Misbranding of the articles was alleged in the information for the reason that the statement, "Guaranteed Analysis: Crude Protein 43 per cent or better. * * * Crude Fibre 12 per cent. (Max.)," borne on the tags attached to the sacks containing the articles, regarding them and the ingredients and substances contained therein, was false and misleading in that it represented that the articles contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, said articles contained less than 43 per cent of crude protein and more than 12 per cent of crude fiber; that is to say, the cottonseed meal contained 37.13 per cent of crude protein and 14.85 per cent of crude fiber, and the cottonseed cake contained 40.92 per cent of crude protein and 12.22 per cent of crude fiber.

On March 12, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

E. D. BALL, *Acting Secretary of Agriculture.*