

**13355. Misbranding of cottonseed meal. U. S. v. Lancaster Cotton Oil Co. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 19243. I. S. No. 9003-v.)

On November 24, 1924, the United States attorney for the Western District of South Carolina, 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 Lancaster Cotton Oil Co., a corporation, Lancaster, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about July 20, 1923, from the State of South Carolina into the State of Massachusetts, of a quantity of cottonseed meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.09 per cent of protein, equivalent to 7.2 per cent of ammonia, and 5.93 per cent of nitrogen.

Misbranding of the article was alleged in substance in the information for the reason that the statements "Prime Cotton Seed Meal Guaranteed Analysis \* \* \* Protein, not less than (Equivalent to 8% ammonia) 41.00% \* \* \* Nitrogen, not less than 6.58%," borne on the tags attached to the sacks containing the said article, were false and misleading, in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and contained not less than 6.58 per cent of nitrogen, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and contained not less than 6.58 per cent of nitrogen, whereas the said article contained less than 41 per cent of protein, less than the equivalent of 8 per cent of ammonia, and less than 6.58 per cent of nitrogen.

On March 11, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

**13356. Adulteration of butter. U. S. v. Union Creamery Co. Pleas of guilty. Fines, \$100.** (F. & D. Nos. 19318, 19331. I. S. Nos. 11631-v, 20057-v.)

On February 27 and March 6, 1925, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Union Creamery Co., a corporation, La Grande, Oreg., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about May 14, 1924, and June 10, 1924, respectively, from the State of Oregon into the States of Washington and California, respectively, of quantities of butter which was adulterated. The article was billed or invoiced as butter.

Analyses by the Bureau of Chemistry of this department of a sample consisting of several subdivisions from each of the consignments showed that the said samples contained 79.39 per cent and 79.77 per cent, respectively, of milk fat.

Adulteration of the article was alleged in the informations for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On March 12, 1925, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$100.

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

**13357. Adulteration and misbranding of canned oysters. U. S. v. 49 Cases of Canned Oysters. Decree of condemnation and forfeiture, with proviso that product might be released under bond to claimant.** (F. & D. No. 20038. I. S. No. 20447-v. S. No. W-1699.)

On or about April 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of canned oysters, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped by Southern Factors (Inc.), from New Orleans, La., February 19, 1925, and transported from the State of Louisiana into the State of California

and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Contains between 4½ to 5 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water, or brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the drained weight of oysters contained in the cans was less than stated on the label.

On May 15, 1925, the owner of the product having appeared and confessed the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, said decree providing, however, that it might be released to the claimant, Southern Factors (Inc.), upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

**13358. Adulteration and misbranding of butter. U. S. v. Community Creamery Co. Plea of nolo contendere. Fine, \$100. (F & D. No. 19263. I. S. No. 980-v, 16601-v, 16602-v.)**

On February 14, 1925, the United States attorney for the Western District of South Carolina, 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 Community Creamery Co., a corporation, Chester, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about January 25, 1924, and May 19, 1924, respectively, from the State of South Carolina into the States of Georgia and North Carolina, respectively, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Community Brand Extra Fancy Creamery Butter \* \* \* Community Creamery Co. Chester, S. C. One Pound Net." The remainder of the said article was labeled in part: "Pure Creamery Butter."

Analyses by the Bureau of Chemistry of this department of a sample from each of the three consignments of the product showed that the said samples contained 79.45 per cent, 79.19 per cent, and 79.36 per cent, respectively, of milk fat. Examination by said bureau of 120 cartons from the consignment of Community brand butter showed that the average net weight was 15.60 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in butterfat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," with respect to a portion of the product, and the statement "Pure Creamery Butter," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist of a product deficient in milk fat, and each of the packages containing the said portion of the product did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in