

district court a libel praying seizure and condemnation of 250 bags of cottonseed meal and 80 bags of cottonseed cake at Denver, Colo., consigned by the Rotan Cotton Oil Mill Co., Rotan, Tex., alleging that the article had been shipped in interstate commerce on or about January 10, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweetco Quality 43 percent Protein. Cottonseed Cake or Meal."

It was alleged in the libel that the article was misbranded in that the statement "43 Per Cent. Protein", appearing on the label, was false and misleading and deceived and misled the purchaser.

On April 3, 1933, the Sweetwater Cotton Oil Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21030. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Default decree of forfeiture and destruction. (F. & D. no. 29566. Sample no. 16534-A.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 3, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of butter at Boston, Mass., consigned October 30, 1932, alleging that the article had been shipped in interstate commerce by the Danville Creamery Association, from Danville, Vt., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation and was offered for sale under the distinctive name of another article, "Butter."

On November 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21031. Misbranding of butter. U. S. v. James H. Pocock. Plea of guilty. Fine, \$5. (F. & D. no. 29476. I. S. no. 23508.)**

This case was based on an interstate shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight. The packages failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On April 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James H. Pocock, Seattle, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 11, 1932, from the State of Washington to Alaska, of a quantity of butter that was misbranded. The article was labeled in part: "Seattle Brand Creamery Butter. Put up by J. H. Pocock, Seattle. This Package Contains One Pound."

It was alleged in the information that the article was misbranded in that the statement "One Pound", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*