

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

21601-21775

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 24, 1934]

21601. Misbranding of cottonseed meal and cottonseed cake screenings.
U. S. v. R. L. Heflin, Inc. Plea of guilty. Fine, \$5. (F. & D. no. 27571. I. S. nos. 23805, 23806.)

Sample sacks of feed taken from the shipment on which this case was based were found to contain less than 100 pounds, the declared weight.

On May 7, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against R. L. Heflin, Inc., Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 30 and May 7, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed cake and cottonseed cake screenings that were misbranded. The former shipment was labeled in part: (Tag) "100 Pounds Net Heflin 43% Brand * * * Cottonseed Cake or Meal * * * Manufactured by R. L. Heflin, Incorporated, Sherman." The latter was labeled in part: (Tag) "100 Pounds Net * * * Equity Brand Cottonseed Cake and Meal * * * Manufactured for Feeders Supply and Mfg. Co. Kansas City, Mo."

It was alleged in the information that the articles were misbranded in that the statement, "100 Pounds Net", borne on the tags, was false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the sacks did not contain 100 pounds net, but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

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

21602. Misbranding of butter. U. S. v. John W. Downie (D. & D. Creamery). Plea of guilty. Fine, \$10 and costs. (F. & D. no. 30191. Sample no. 4904-A.)

This case was based on a shipment of butter in package form that was not labeled with a statement of the quantity of the contents.

On December 6, 1933, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John W. Downie, a member of a copartnership trading as the D. & D. Creamery, Elkader, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 28, 1932, from the State of Iowa into the State of Illinois, of a quantity of butter that was misbranded. The cases containing the article were labeled in part: "D. & D. Creamery Downie & Dinan, Props. Elkader, Iowa."

It was alleged in the information that the article was misbranded in 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.

On December 6, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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