

2641. Adulteration of popcorn. U. S. v. 8 Bags of Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 6159. Sample No. 74561-E.)

This product contained rodent excreta, rodent hair, insect fragments, and rodent-eaten grains.

On November 6, 1941, the United States attorney for the Southern District of New York filed a libel against 8 bags of popcorn at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 14, 1941, by Royale Popcorn Co., Inc., from Cleveland, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. A portion of the product was labeled in part: "Royale Brand" or "Bingo Brand Popcorn."

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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2642. Misbranding of cottonseed cake and meal. U. S. v. Armour & Co. (Forrest City Cotton Oil Mill, Division of Armour & Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 5567. Sample No. 25363-E.)

This product contained less protein than the amount declared on the label.

On March 4, 1942, the United States attorney for the Eastern District of Arkansas filed an information against Armour & Co., trading as Forrest City Cotton Oil Mill, Division of Armour & Co., at Forrest City, Ark., alleging shipment on or about January 2, 1941, from the State of Arkansas into the State of Kansas of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: "100 Pounds Net 'Navy' Brand Prime Quality 41.00% Protein Cottonseed Cake and Meal Manufactured for and Guaranteed by Louis Tobian & Company Dallas Texas."

The article was alleged to be misbranded in that the statements "41.00% Protein Cottonseed Cake and Meal" and "Crude Protein not less than 41.00%," appearing on the tag, were false and misleading since it contained less than 41 percent of crude protein, namely, not more than 38.81 percent crude protein.

On March 10, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

2643. Misbranding of cottonseed meal. U. S. v. Humphreys-Godwin Co. Plea of guilty. Fine, \$100. (F. D. C. No. 4130. Sample No. 18498-E.)

This product was found to contain less protein than the amount declared.

On June 4, 1941, the United States attorney for the Western District of Tennessee filed an information against Humphreys-Godwin Co., a corporation, Memphis, Tenn., alleging shipment on or about November 27, 1940, from the State of Tennessee into the State of Kansas of quantities of cottonseed meal which was misbranded. The article was labeled in part: "Choice Prime 41% Protein—Prime Quality 100 Pounds Net Dixie Brand Cottonseed Meal."

It was alleged to be misbranded in that the statements "41.00% Protein" and "Min. Protein 41.00%," appearing on the label, were false and misleading since it contained less than 41 percent, namely, not more than 37.38 percent of protein.

On August 7, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

2644. Misbranding of alfalfa meal. U. S. v. 40 Bags of Alfalfa Meal. Consent decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 5760. Sample No. 18670-E.)

Examination showed this product to be deficient in protein and to contain excessive fiber.

On September 15, 1941, the United States attorney for the District of Maryland filed a libel against 40 bags of alfalfa meal at Upper Marlboro, Md., alleging that the article had been shipped in interstate commerce on or about July 31, 1941, by S. W. Douthitt from New Castle, Pa.; and charging that it was misbranded. It was labeled in part: (Tag) "Superior Alfalfa Meal Produced by Meadow Brook Farms Nazareth, Pa. Guaranteed Analysis * * * Fibre not more than 20% Protein not less than—20%."

The article was alleged to be misbranded in that the statement "Fibre not more than 20% Protein not less than 20%" was false and misleading since the article contained more than 20 percent of fiber and less than 20 percent of protein.

On October 24, 1941, the claimant, Binger Bros., Upper Marlboro, Md., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.