

On October 12, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$400.

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4212. Misbranding of alfalfa meal. U. S. v. Cooperative Alfalfa Mills, Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 7194. Sample No. 18674-E.)

This product contained less crude protein and more crude fiber than declared on the label.

On May 12, 1942, the United States attorney for the Northern District of Ohio filed an information against the Cooperative Alfalfa Mills, Inc., Toledo, Ohio, alleging shipment on or about August 2, 1941, from the State of Ohio into the State of Maryland of a quantity of alfalfa meal that was misbranded. The article was labeled in part: (Tags) "Dehydrated Alfalfa Meal 100 Pounds Net. Guaranteed Analysis Crude Protein, not less than 17.0 per cent * * * Crude Fibre, not more than 28.0 Per Cent."

The article was alleged to be misbranded in that the above-quoted statements borne on the tag were false and misleading, since the article contained not more than 14.65 percent of crude protein and not less than 31.40 percent of crude fibre.

On October 12, 1942, a plea of nolo contendere was entered on behalf of the defendant. The court imposed a fine on October 13 of \$100 and costs.

4213. Misbranding of alfalfa meal and alfalfa leaf meal. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, \$600 and costs. (F. D. C. No. 7190. Sample Nos. 18668-E, 18669-E.)

On May 12, 1942, the United States attorney for the Northern District of Ohio filed an information against the Saunders Mills, Inc., Toledo, Ohio, alleging shipment on or about August 4, 1941, from the State of Ohio into the State of Kansas of quantities of alfalfa meal and alfalfa leaf meal that were misbranded. The articles were labeled in part: (Tags) "Alfalfa Meal Guaranteed Analysis Crude Protein not less than 13.0 per cent * * * Crude Fibre, not more than 33.0 Per Cent," or "Alfalfa Leaf Meal Crude Protein not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent."

The articles were alleged to be misbranded since they contained less crude protein and more crude fibre than declared. The alfalfa meal contained protein in amounts varying from 12.38 to 12.48 percent and crude fibre in amounts varying from 36.40 to 36.76 percent; the alfalfa leaf meal contained crude protein in amounts varying from 16.67 to 16.89 percent and crude fibre in amounts varying from 29.05 percent to 29.27 percent.

On October 12, 1942, a plea of guilty having been entered on behalf of the defendant the court imposed a fine of \$600 and costs.

4214. Misbranding of alfalfa leaf meal and alfalfa meal. U. S. v. 40 Bags and 62 Bags of Alfalfa Leaf Meal and 90 Bags of Alfalfa Meal. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8335. Sample Nos. 26481-F, 26482-F.)

On September 8, 1942, the United States attorney for the District of Maryland filed libels against 102 bags of alfalfa leaf meal and 90 bags of alfalfa meal at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about July 8, 1942, by Raffety & O'Rourke from Wyatt, Mo.; and charging that they were misbranded. The articles were labeled in part: (Tag) "R & O'S 20% [or "17%"] Dehydrated Alfalfa Leaf Meal [or "Alfalfa Meal"]."

The articles were alleged to be misbranded in that the statements on the labels of the respective products, "Crude Protein, not less than 20.0%" and "Crude Protein, not less than 17.0% Crude Fibre, not more than 27.0%" were false and misleading since the former contained not more than 18.25 percent of crude protein and the latter contained not more than 14.51 percent of crude protein and not less than 32.45 percent of crude fibre.

On September 23, 1942, the cases having been consolidated and George F. Obrecht, Jr., and William F. Obrecht, trading as George F. Obrecht Co. and C. B. Watkins & Co., claimants for respective portions of the product, having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4215. Misbranding of alfalfa meal. U. S. v. 110 Bags of Alfalfa Meal. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 8334. Sample No. 26484-F.)

On September 8, 1942, the United States attorney for the District of Maryland filed a libel against 110 100-pound bags of alfalfa meal at Baltimore, Md., alleg-

ing that the article had been shipped in interstate commerce on or about June 29, 1942, by the Plantation Alfaifa Meal Co. from East Prairie, Mo.; and charging that it was misbranded in that the statements on the label "Crude Protein, not less than 17.0%" and "Crude Fibre, not more than 27.0%" were false and misleading since it contained not more than 12.09 percent of crude protein and not less than 39.61 percent of crude fibre.

On September 24, 1942, J. Henry Clusman Co., Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4216. Misbranding of cottonseed meal. U. S. v. Swift & Co. (Swift & Co. Oil Mill.) Plea of guilty. Fine, \$200. (F. D. C. No. 7303. Sample No. 68912-E.)

On August 20, 1942, the United States attorney for the Eastern District of Missouri filed an information against Swift & Co., a corporation, trading as Swift & Co. Oil Mill, at Portageville, Mo., alleging shipment on or about September 19, 1941, from the State of Missouri into the State of Kansas of a quantity of cottonseed meal that was misbranded in that the statement "41.00% Protein * * * Guaranteed Analysis Minimum Protein 41.00% * * * Maximum Crude Fiber 12.00%" borne on the tag was false and misleading since the article contained not more than 37.94% of protein and not less than 13.49% of crude fiber. The article was labeled in part: "Prime Quality Dixie Brand * * * Cotton Seed Meal."

On October 14, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

4217. Misbranding of cottonseed meal. U. S. v. Maxton Oil & Fertilizer Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 7215. Sample No. 18678-E.)

On June 29, 1942, the United States attorney for the Eastern District of North Carolina filed an information against Maxton Oil & Fertilizer Co., a corporation, Maxton, N. C., alleging shipment on or about October 10, 1941, from the State of North Carolina into the State of Maryland of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "'MOFCO' COTTONSEED MEAL 41% Protein * * * Guaranteed Analysis * * * Protein (Min.) 41% * * * Fibre 10%."

The article was alleged to be misbranded in that the labeling was false and misleading since it represented and suggested that the article contained not less than 41 percent of protein and not more than 10 percent of fibre, whereas it contained not more than 39.14 percent of protein, and not less than 12.04 percent of fibre.

On September 21, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

4218. Misbranding of cottonseed meal. U. S. v. Cairo Meal and Cake Co. Fine, \$300 and costs. (F. D. C. No. 7301. Sample Nos. 68910-E, 68913-E.)

On September 5, 1942, the United States attorney for the Eastern District of Illinois filed an information against the Cairo Meal and Cake Co., a corporation, at Cairo, Ill., alleging shipment on or about October 30 and November 5, 1941, from the State of Illinois into the State of Kansas of quantities of cottonseed meal which was misbranded. The article was labeled in part: "White Mule Brand Prime Cotton Seed Meal * * * Guaranteed Analysis Protein 41%."

The article was alleged to be misbranded in that the statement "Protein 41.00%" borne on the tag, was false and misleading since it contained less than 41 percent of protein. Samples from the 2 shipments were found to contain not more than 37.31 and 38.12 percent of protein, respectively.

On October 21, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$150 on each of the two counts, and costs.

4219. Misbranding of cottonseed cake or meal. U. S. v. Temple Cotton Oil Co. Plea of nolo contendere. Fine \$50. (F. D. C. No. 6479. Sample Nos. 68901-E, 68907-E.)

On June 5, 1942, the United States attorney for the Eastern District of Arkansas filed an information against the Temple Cotton Oil Co., a corporation, Little Rock, Ark., alleging shipment on or about June 25 and October 6, 1941, from the State of Arkansas into the State of Kansas of quantities of cottonseed cake or meal that was misbranded. The article was labeled in part: (Tags) "100 Pounds