

Net Quapaw Brand 41% Protein Cottonseed Cake," or "Equity Brand Cottonseed Cake & Meal Guaranteed Analysis Protein not less than 43%."

The Quapaw brand was alleged to be misbranded (1) in that the statement regarding the net weight, borne on the tag was false and misleading since such statement represented and suggested that each of the sacks contained not less than 100 pounds of the article, whereas a large number of said sacks contained substantially less than 100 pounds; and (2) in that the tag or label failed to bear an accurate statement of the quantity of the contents of the sacks in terms of weight.

The Equity brand was alleged to be misbranded in that the statement "Guaranteed Analysis Protein not less than 43%," borne on the tag, was false and misleading since the article contained not more than 40.56 percent of protein.

On October 13, 1942, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50.

4220. Misbranding of cottonseed screenings. U. S. v. Swift & Co. (Swift & Co. Oil Mill). Plea of guilty. Fine \$100 and costs. (F. D. C. No. 7283. Sample 68909-E.)

On July 21, 1942, the United States attorney for the Eastern District of Illinois filed an information against Swift & Co., a corporation, trading under the name of Swift & Co. Oil Mill at Cairo, Ill., alleging shipment on or about October 10, 1941, from the State of Illinois into the State of Kansas of a quantity of cottonseed screenings that was misbranded. The article was labeled in part: (Tag) "Cotton Bloom 41% Protein Cottonseed Meal."

The article was alleged to be misbranded in that the statements "41% Protein Cottonseed Meal * * * Guaranteed Analysis Crude Protein not less than 41.00% * * * Crude Fibre not more than 13.00%" borne on the tag, were false and misleading since it contained not more than 38.81 percent of protein and not less than 13.86 percent of crude fibre.

On September 8, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

4221. Misbranding of peanut meal. U. S. v. Wilmington Oil & Fertilizer Co. Tried to the court and a jury. Verdict of guilty. Fine, \$250. (F. D. C. No. 7216. Sample No. 18677-E.)

On June 26, 1942, the United States attorney for the Eastern District of North Carolina filed an information against the Wilmington Oil & Fertilizer Co., a corporation, Wilmington, N. C., alleging shipment on or about July 17, 1941, from the State of North Carolina into the State of Maryland of a quantity of peanut meal which was misbranded. The article was labeled in part: (Tag) "100 lbs. Net Peco Brand Peanut Meal * * * Guaranteed Analysis Protein Not Less Than 41.00%."

The article was alleged to be misbranded in that the protein declaration on the tag was false and misleading since it represented and suggested that the article contained 41 percent of protein, whereas it contained not more than 38.62 percent.

On October 26, 1942, the defendant having entered a plea of not guilty, the case came on for trial before a jury which returned a verdict of guilty. The court thereupon imposed a fine of \$250.

POULTRY

Nos. 4222 to 4230 report cases involving various shipments of dressed poultry, samples of which were found to be diseased, decomposed, emaciated, insufficiently bled, or bruised.

4222. Adulteration of dressed poultry. U. S. v. H. & H. Poultry Co., Homer H. Pepper, and Samuel H. Sahn. Pleas of not guilty. Tried to a jury. H. & H. Poultry Co. found guilty and fined \$1,500. Directed verdict of not guilty with respect to Homer H. Pepper. Jury disagreed with respect to Samuel H. Sahn and nolle prosequi ordered. (F. D. C. No. 7320. Sample No. 69349-E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against the H. & H. Poultry Co., Selbyville, Del., Homer H. Pepper, and Samuel H. Sahn, alleging shipment on or about February 23, 1942, from the State of Delaware into the State of New York of a quantity of poultry that was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals, namely, diseased poultry.