

3787. Adulteration and misbranding of so-called oil of birch. U. S. v. 4 Packages * * *
Oil of Birch. Default decree of condemnation, forfeiture, and destruction. (F. & D.
No. 6113. I. S. Nos. 1731-k, 1734-k. S. No. E-164.)

On November 16, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 packages, containing approximately 200 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped from the State of Tennessee into the State of New York, the shipment having been received on or about November 5 and 6, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was ordered by consignee and forwarded by shipper as oil of birch.

Adulteration was alleged in the libel for the reason that the product was offered for sale as oil of birch, when, in fact, it consisted largely of methyl salicylate which had been mixed, packed with, and substituted for oil of birch. Misbranding was alleged for the reason that said product was offered for sale by the shipper thereof as oil of birch, whereas, in truth and in fact, said product consisted largely of methyl salicylate which was substituted for the pure oil.

On January 14, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 26, 1915.*