

5790. Adulteration and misbranding of oil of birch. U. S. * * * v. 2 Cans * * * of * * * Oil of Birch. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8238. I. S. No. 3436-m. S. No. E-847.)

On May 16, 1917, 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 two cans, each containing 50 pounds of an article purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about April 18, 1917, by Burd Bros., Liberty, Pa., and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained synthetic methyl salicylate, which had been mixed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Adulteration [misbranding] of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch, when it was not such, and for the further reason that it was food in package form, and the quantity of the contents was not stated on the outside of the package in terms of weight, measure, or numerical count.

On August 20, 1917, 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 labeled and sold by the United States marshal, as "A mixture of synthetic methyl salicylate and oil of birch."

CARL VROOMAN, Acting Secretary of Agriculture.