

should be sorted under the supervision of a representative of this department, and that the portion found unfit for food should be destroyed or denatured and the good portion released to said claimant.

E. D. BALL,  
*Acting Secretary of Agriculture.*

**7007. Adulteration and misbranding of oil of sassafras. U. S. \* \* \* v. 2 Cans of Alleged Oil of Sassafras. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9544. I. S. No. 13640-r. S. No. E-1190.)**

On December 20, 1918, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on February 10, 1919, an amended libel, for the seizure and condemnation of two cans of alleged oil of sassafras at Linden, N. J., alleging that the article had been shipped on or about November 30, 1918, by J. B. Johnson, Hildebran, N. C., and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans were marked with the letter "S" and the article was sold by the shipper to the consignee in person, and represented verbally by said shipper to be pure oil of sassafras.

Adulteration of the article, considered as a drug, was alleged in the amended libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, and for the further reason that the strength and purity of the said article were below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic oil of sassafras, had been mixed and packed therewith, thereby reducing, lowering, and injuriously affecting its quality and strength, and had been substituted in whole or in part for pure oil of sassafras.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, pure oil of sassafras. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of, and offered for sale under the (distinctive) name of, another article, to wit, pure oil of sassafras, and for the further reason that the verbal representation that the article was pure oil of sassafras was false and misleading in that it represented to the purchaser that the product was pure oil of sassafras, whereas, in truth and in fact, the article purporting to be pure oil of sassafras was not oil of sassafras, but was a product other than pure oil of sassafras, to wit, a product to which had been added, and with which had been mixed and packed a substance, to wit, synthetic oil of sassafras. Misbranding of the article was alleged for the further reason that the statement and representation that the article was pure oil of sassafras were false and misleading and misled and deceived the purchaser into the belief that it was pure oil of sassafras, whereas, in truth and in fact, it was a product to which had been added, and with which had been mixed and packed, a substance, to wit, synthetic oil of sassafras.

On March 13, 1919, James B. Johnson, Hickory, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in

part that the article should be relabeled under the supervision of a representative of this department as imitation oil of sassafras.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7008. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. 3 Cans of a Product Purporting to be Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9545. I. S. No. 13646-r. S. No. E-1191.)**

On December 20, 1918, 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 3 cans of a product 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 December 9, 1918, by M. G. Teaster, Elk Park, N. C., from Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was represented to the purchaser thereof as birch oil.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and in that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and offered for sale under the name of, another article. Misbranding of the article, considered as a food, 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, the statement, "Oil of Birch," was false and misleading and deceived and misled the purchaser.

On June 19, 1919, Millard G. Teaster, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$222, in conformity with section 10 of the act, conditioned in part that the product should be labeled as imitation oil of birch under the supervision of a representative of this department.

E. D. BALL,

*Acting Secretary of Agriculture.*

**7009. Misbranding of Tonic Remedy. U. S. \* \* \* v. 10 Boxes of Tonic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9546. I. S. No. 2328-r. S. No. W-259.)**

On December 19, 1918, the United States attorney for the Western District of Washington, 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 10 boxes of Tonic Remedy, consigned on November 11, 1918, by Teele & Co., San Francisco, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been