

7871. Adulteration and misbranding of birch oil. U. S. * * * v. 1 Can * * * of a Product Purporting to be Birch Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 12121. I. S. No. 8-r. S. No. E-1936.)

On January 28, 1920, 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 1 can, containing 12½ pounds of a product purporting to be birch oil, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped on or about January 19, 1920, by Z. B. Buchanan, Hickory, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it contained synthetic methyl salicylate.

Adulteration of the article 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 Pharmacopœial standard of strength, quality, and purity, and in that its own standard of strength, quality, and purity was not plainly stated upon its container, and in that its strength and purity fell below the professed standard or quality under which it was sold. Adulteration of the article was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article was alleged, both in the case of drugs and in the case of food, for the reason that the article was an imitation of, and was offered for sale under the name of, another article, to wit, birch oil.

On April 17, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold as imitation birch oil by the United States marshal.

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

7872. Adulteration of canned tomatoes. U. S. * * * v. 331 Cases of Alleged Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12139. I. S. No. 17450-r. S. No. E-1965.)

On February 9, 1920, the United States attorney for the District of Maryland, 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 331 cases of alleged canned tomatoes, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about July 9, 1919, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Thomas' Best Brand Packed by W. J. Thomas & Co. The Thomas Farm, Evans, W. Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 18, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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