

and condemnation of 700 cases of canned salmon, at Spartanburg, S. C., alleging that the article had been shipped on or about December 22, 1919, by the Burke Fish Co., Portland, Oreg., and transported from the State of Oregon into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sno-Crest Brand Pink Salmon Packed By Burke Fish Co. \* \* \*"

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

On July 23, 1921, the matter having come on for hearing before the court and a jury, after the submission of evidence, the jury found by its verdict that the product was filthy and decomposed as alleged in the libel, and thereupon the court entered its order condemning the product and ordering its destruction by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10454. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. One Can \* \* \* of Oil of Birch. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14445. I. S. No. 6264-t. S. No. E-3128.)

On February 14, 1921, 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 one can of oil of birch, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped by T. J. Ray, from Newland, N. C., on or about February 3, 1921, 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. The article was labeled in part: (Tag) "\* \* \* from T. J. Ray Medicinal Crude Drugs and Essential Oils, Newland, North Carolina." The said article was invoiced as "True Natural Oil Sweet Birch."

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 pharmacopœial standard of strength, quality, and purity, as determined by the test laid down in the said pharmacopœia, official at the time of investigation, and in that its own standard of strength, quality, and purity was not plainly stated upon its container; and for the further reason 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 with, and substituted in part for, the 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.

On March 15, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10455. Misbranding of olive oil. U. S. \* \* \* v. 233 Cans \* \* \* of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. Nos. 15397, 15398, 15399. I. S. Nos. 11151-t, 11152-t, 11153-t, 11154-t, 11155-t, 11156-t, 10999-t, 11000-t. S. No. W-1014.)

On September 29, 1921, the United States attorney for the District of Wyoming, 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 233 cans of olive oil, remaining unsold in the original unbroken packages at Cheyenne, Wyo., consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about July 13 and 27, 1921, respectively, and transported from the State of Illinois into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts," "One Quart," or "One Pint") "Pure Olive Oil, Universal Brand Deligiannis Bros., Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libel for the reason that the statements upon the cans containing the article, to wit, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," or "Net Contents One Pint," as the case might be, were false and misleading,