

the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the article.

Misbranding was alleged with respect to a portion of the product for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,610, in conformity with section 10 of the act, conditioned in part that the product be made to conform with the provisions of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11760. Misbranding of Oxidaze tablets. U. S. v. American Oxidaze Co., a Corporation. Case ordered placed on file. (F. & D. No. 7707. I. S. No. 1610-1.)

On February 1, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Oxidaze Co., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 10, 1915, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Oxidaze tablets which were misbranded. The article was labeled in part: (Carton) "\$1.00 Size Oxidaze Tablets Prepared For American Oxidaze Company, Worcester, Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained essentially cinnamon oil, sassafras oil, camphor, menthol, methyl salicylate, potassium iodide, starch, sugar, and talc.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding the therapeutic effects of the said article, included in the circular or pamphlet accompanying the article, falsely and fraudulently represented it to be effective for the cure of catarrh and tuberculosis, effective as a cure and preventive of pneumonia, and effective as a remedy for hay fever, when, in truth and in fact, it was not.

On November 17, 1922, the case having come on for final disposition, it was ordered by the court that the case be placed on file.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11761. Adulteration and misbranding of oil of sweet birch and wintergreen oil. U. S. v. Adolphus A. Winters. Plea of guilty. Fine, \$25. (F. & D. No. 14546. I. S. Nos. 540-r, 541-r.)

On July 2, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolphus A. Winters, Newland, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 30, 1919, from the State of North Carolina into the State of New York, of quantities of oil of sweet birch and wintergreen oil which were adulterated and misbranded. The articles were labeled in part, respectively: "Oil distilled from Birch bark and small bush — D. A. Winters Montezuma, N. C.;" "Oil distilled from Wintergreen leaves. D. A. Winters Montezuma, N. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate and that they were not true oils of wintergreen or birch, as the case might be.

Adulteration of the articles considered as drugs was alleged in the information for the reason that they were sold under and by names 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, in that the said Pharmacopœia provides that oil of sweet birch, to wit, birch oil, be obtained wholly from *Betula lenta* and that oil of wintergreen be obtained wholly by distillation from *Gaultheria procumbens*, whereas the said articles were mixtures composed

in part of synthetic methyl salicylate and the standard of the strength, quality, and purity of the said articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength, quality, and purity of the articles fell below the professed quality under which they were sold in that they were mixtures composed in part of synthetic methyl salicylate and were sold as oil distilled from birch bark and small bush, to wit, birch bush, or as oil distilled from wintergreen leaves, as the case might be.

Adulteration of the articles considered as foods was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength and had been substituted in whole or in part for oil of wintergreen or birch oil, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that a substance, to wit, synthetic methyl salicylate, had been mixed with the respective articles in a manner whereby damage and inferiority were concealed.

Misbranding of the articles considered as foods was alleged for the reason that the statements, to wit, "Birch Oil," "Oil distilled from Birch bark and small bush," "Wintergreen Oil," and "Oil distilled from Wintergreen leaves," borne on the cans or boxes containing the respective articles, as the case might be, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were birch oil distilled from birch bark and small birch bush or oil of wintergreen derived wholly from distillation of wintergreen leaves, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were birch oil distilled from birch bark and small birch bush or oil of wintergreen derived wholly from distillation of wintergreen leaves, as the case might be, whereas, in truth and in fact, they were not but were articles composed in part of synthetic methyl salicylate. Misbranding of the articles considered as foods was alleged for the further reason that they were imitations of oil of sweet birch or wintergreen oil, as the case might be, and were offered for sale under the distinctive names of other articles, and for the further reason that they were foods in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Misbranding of the alleged birch oil considered as a drug was alleged for the reason that the statements, to wit, "Birch Oil" and "Oil distilled from Birch bark and small bush," borne on the labeling of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was birch oil and that it was oil distilled from birch bark and small bush, to wit, birch bush, whereas, in truth and in fact, it was not birch oil and was not oil distilled from birch bark and small birch bush but was a mixture composed in part of synthetic methyl salicylate obtained from a source other than birch bark and small bush, to wit, birch bush. Misbranding of the alleged birch oil considered as a drug was alleged for the further reason that it was a mixture composed in part of synthetic methyl salicylate, prepared in imitation of birch oil, and was offered for sale and sold under the name of another article, to wit, birch oil.

It was alleged in substance in the information that the alleged oil of wintergreen considered as a drug further violated the said act in that it was a product composed in part of synthetic methyl salicylate, prepared in imitation of oil of wintergreen, and was offered for sale and sold under the name of another article, to wit, oil of wintergreen.

On November 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11762. Misbranding of Yerkes palatable wine extract of cod-liver oil. U. S. v. 150 Bottles of Yerkes Palatable Wine Extract of Cod-Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16095. S. No. E-3835.)

On April 15, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 150 bottles of Yerkes palatable wine extract of cod-liver oil, remaining unsold at Rockymount, Va., alleging that the article had been shipped by the Yerkes Chemical Co., Winston-Salem, N. C.,