

adulteration in violation of the Food and Drugs Act. The product was labeled: "Wind Mill Brand tomato pulp made from tomatoes and fresh tomato trimmings with great care Packed by Wm. P. Andrews, Crapo, Md."

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

On August 19, 1913, 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 destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 20, 1914.*

3320. Adulteration of ferro-china bitters. U. S. v. 20 Bottles of Ferro-China Bitters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5278, I. S. No. 3622-h. S. No. 1867.)

On July 17, 1913, 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 for the seizure and condemnation of 24 bottles, each containing about 32 fluid ounces of a product purporting to be Bisleri's ferro-china bitters, 20 of which remained unsold and in the original unbroken packages and in possession of Matteo D'Agostino, Atlantic City, N. J., alleging that the product had been shipped on or about June 26, 1913, by Henry Polinsky & Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it contained an added poisonous and added deleterious ingredient, to wit, methyl alcohol, which might render such article injurious to health.

On February 10, 1914, 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 destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 8, 1914.*

3321. Adulteration of sugar wafers. U. S. v. 32 Cans, More or Less, of Sugar Wafers. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5328. I. S. No. 915-h. S. No. 1914.)

On September 6, 1913, the United States attorney for the Southern District of Ohio, 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 32 cans, more or less, each containing approximately 13 pounds of sugar wafers, remaining unsold in the original unbroken packages and in possession of the F. W. Woolworth Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label of any character except the letters and figures "W H 20," marked on the outside of the packages.

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, mineral oil, an inert substance having no food value, had been mixed and packed with said article of food and food product so as to injuriously affect the quality and strength thereof.

On January 5, 1914, the said F. W. Woolworth Co. having filed its answer to the libel, setting up that the product had been received by it from the Excel-

slor Wafer Co., New York, N. Y., and the Leonard Products Co., Brooklyn, N. Y., and admitting the allegations of the libel and consenting to a decree, but denying that the wafers were adulterated with its knowledge or consent, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings should be paid by the said F. W. Woolworth Co.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 8, 1914.

3322. Adulteration and misbranding of oil of birch. U. S. v. 9 Packages, etc., of Oil of Birch. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5404. I. S. No. 139-h. S. No. 1993.)

On November 6, 1913, 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 9 packages, containing approximately 468-3/4 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 18, 1913, by J. B. Johnson, 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. The product bore no marks or labels except the name and address of the consignee and express data, but was invoiced as birch oil.

Adulteration of the product was alleged in the libel for the reason that it was offered for sale as oil of birch, when, in fact, said product consisted largely of methyl salicylate, which was substituted for the pure oil. Misbranding was alleged for the reason that said product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, the said product consisted largely of methyl salicylate, which was substituted for the pure oil.

On February 18, 1914, the said James B. Johnson, claimant, having filed his claim and stipulation for costs and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$750, in conformity with section 10 of the act, one of the conditions of said bond being that the product should be relabeled in conformity with the Food and Drugs Act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 8, 1914.

3323. Misbranding of oil of wintergreen. U. S. v. 2 Cans of Oil of Wintergreen. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5475. I. S. No. 3820-h. S. No. 2009.)

On December 15, 1913, 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 a libel for the seizure and condemnation of 2 cans of a product called oil of wintergreen, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped by Frank P. Dowe, Spring Glen, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act. The containers were