

charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part, "Dr. Burkhart's Vegetable Compound Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia \* \* \* and all Syphilitic Diseases \* \* \*."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of pills composed essentially of aloes, plant extractives and resins (podophyllum indicated), and capsicum.

Misbranding of the article was alleged for the reason that the marks and brands consisting of said statements, above quoted, were false and misleading, and, with respect to the curative and therapeutic effects of said article, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the results claimed.

On October 13, 1920, W. S. Burkhart, claimant, having filed an answer admitting the allegations of the libel and consenting to a decree, a consent decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the penal sum of \$1,000, in conformity with section 10 of the act.

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

**8789. Adulteration and misbranding of birch oil. U. S. \* \* \* v. 3**  
**Cans of a Product Purporting to be Oil of Birch. Default decree of**  
**condemnation, forfeiture, and destruction. (F. & D. No. 13058. I. S.**  
**No. 6251-C. S. No. E-2419.)**

On July 20, 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 3 cans containing 114½ 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 article had been shipped on or about June 22, 1920, by T. J. Ray, Newland, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Natural Oil Birch."

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 as determined by the tests laid down in the said United States Pharmacopœia, official at the time of investigation, and that its own standard of strength, quality, and purity was not stated upon the container thereof, and for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold. Adulteration was alleged for the further reason that synthetic methyl salicylate, derived from a source other than birch, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil of birch, and for the further reason that the statement "Natural Oil Birch," borne on the label, was false and misleading and deceived and misled the purchaser.

On October 18, 1920, no claimant having appeared for the property, 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.*