

3778. Adulteration and misbranding of oil of birch. U. S. v. 4 Packages * * * Oil of Birch.
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6085. I. S.
No. 1728-k. S. No. E-159.)

On November 10, 1914, 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 4 packages, containing approximately 200 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 November 2, 1914, and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding, in violation of the Food and Drugs Act. The product bore no labels except shipping directions, but was invoiced as "Oil of Birch."

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, it consisted largely of methyl salicylate, which had been mixed and packed with and substituted for oil of birch. Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper thereof as oil of birch, whereas, in truth and in fact, the product consisted largely of methyl salicylate, which was substituted for the pure oil.

On December 4, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*