3785. Adulteration and misbranding of so-called birch oil. U. S. v. 5 Packages * * * of * * * Birch Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6104. I. S. No. 1727-k. S. No. E-163.)

On November 14, 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 5 packages containing approximately 250 pounds of a product purporting to be birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped and transported from the State of Tennessee into the State of New York, the shipment arriving on or about November 2, 1914, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product bore no label except shipping directions, 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 birch oil, when in fact it consisted largely of methyl salicylate, which had been mixed and packed with and substituted for birch oil. Misbranding was alleged for the reason that the product was offered for sale and invoiced as birch oil, whereas, in truth and in fact, the said article consisted largely of methyl salicylate, which was substituted for the pure oil.

On December 8, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 26, 1915.*