

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the statements borne on the cans, to wit, "Finest Quality Table Oil (picture of olive tree and natives gathering and packing olives)," "Tipo Termini Imerese Sicilia Italia," "One Gallon Net," and "Guaranteed Absolutely Pure," were false and misleading in that they represented that the article consisted of genuine olive oil, whereas, in truth and in fact, said article consisted in part of cottonseed oil. Misbranding was alleged for the further reason that the statements above quoted, together with the designs and devices appearing upon the labels, conveyed the impression that said article was a foreign product, whereas said article was a product of domestic manufacture. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, genuine olive oil. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents of each of the said cans was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On July 3, 1919, Paul Lopresti, Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be labeled under the supervision of a representative of this department.

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

**7649. Adulteration and misbranding of oil of sweet birch. U. S. \* \* \* v. Edward E. Dickinson (E. E. Dickinson & Co.). Plea of guilty. Fine, \$300. (F. & D. No. 10864. I. S. Nos. 13609-r, 13716-r, 8628-p.)**

On December 2, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward E. Dickinson, trading as E. E. Dickinson & Co., Essex, Conn., alleging shipment on or about July 29, 1918, August 3, 1918, and July 8, 1918, by said defendant, in violation of the Food and Drugs Act, from the State of Connecticut into the States of Michigan and New York, of consignments of an article, labeled in part "Oil Betula Lenta, U. S. P.," "Dickinson's Oil Betula Lenta (Sweet Birch) E. E. Dickinson & Co. Distillers \* \* \*," "Oil of Betula. (Betula Lenta.) (Oil of Sweet Birch.) (Sometimes Called Oil of Wintergreen.)," and "Dickinson's Oil Betula Lenta Sweet Birch E. E. Dickinson & Co. Distillers \* \* \*," which was adulterated and misbranded.

Analysis of a sample of the product made in the Bureau of Chemistry of this department showed it to contain synthetic methyl salicylate.

Adulteration was alleged in the information for the reason that the shipments of July 8, 1918, and of July 29, 1918, were sold under and by a name recognized in the United States Pharmacopœia, and the article differed from the standard prescribed in the said Pharmacopœia, and its own standard was not then and there stated upon the container. Adulteration was alleged for the further reason that the strength and purity of the said article fell below the professed standard and quality under which it was sold, and that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the article so as

to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oil *Betula lenta*, that is to say, oil of sweet birch, which the article purported to be.

It was alleged in the information that the article shipped on August 3, 1918, was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, and that it differed from the standard prescribed in said Pharmacopœia, and its own standard was not stated upon the container, and the strength and purity of the article fell below the professed standard and quality under which it was sold.

Further adulteration was alleged as to the shipment of August 3, 1918, in that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oil of sweet birch, which the article purported to be.

Misbranding of the article in all of the shipments was alleged for the reason that the statements, "Oil *Betula Lenta*," "Oil of Sweet Birch Wintergreen *Betula Dickinson's Oil of Sweet Birch*, U. S. P.," and "Dickinson's Oil *Betula Lenta* (sweet birch) Oil of *Betula*. (*Betula Lenta*.) (Oil of Sweet Birch.) (Sometimes Called Oil of Wintergreen.)," appearing on the respective labels, were false and misleading in that they represented to purchasers of the said article that the same consisted of oil of sweet birch, whereas, in fact and in truth, the article was not oil of sweet birch, but was a mixture of oil of sweet birch with synthetic methyl salicylate. Further misbranding was alleged in that the article was an imitation of another article, to wit, oil *Betula lenta*, that is to say, oil of sweet birch, and was offered for sale under the distinctive name of another article, to wit, oil of sweet birch, whereas, in truth and in fact, the said article was not oil of sweet birch, but was a mixture of oil of sweet birch with synthetic methyl salicylate.

On December 11, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

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

**7650. Adulteration and misbranding of condensed milk. U. S. \* \* \* v. 4,228 Cases \* \* \* Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8853. I. S. No. 1367-p. S. No. E-991.)**

On or about March 12, 1918, the United States attorney for the Eastern 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 4,228 cases, each containing 48 16-ounce cans of condensed milk, consigned on or about November 13, 1917, November 26, 1917, February 4, 1918, and February 13, 1918, by T. M. Stevens & Co., incorporated, Portland, Ore., remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped and transported from the State of Oregon into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Holly Brand Unsweetened Condensed Milk Manufactured by Holly Condensed Milk Co., Amity, Oregon. Notice The Manufacturers guarantee the contents of this can to be pure cows' milk, condensed and thoroughly sterilized. It contains no preservative or foreign substance whatever. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that a partially condensed milk had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for condensed milk, which the article purported to be.