

4704. Adulteration and misbranding of oil of wintergreen leaf. U. S. v. Frank P. Dowe. Plea of guilty. Fine, \$5. (F. & D. No. 7137. I. S. No. 3820-h.)

On March 16, 1916, 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 an information against Frank P. Dowe, Spring Glen, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 24, 1913, from the State of New York into the State of Massachusetts, of a quantity of oil of wintergreen leaf which was adulterated and misbranded. The article was labeled: "Oil Wintergreen Leaf. F. P. Dowe, Spring Glen, Ulster Co., N. Y."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Bead test: Positive.

Vanillin test: Positive.

Rotation in 100 mm. tube at 20° C. (°V.)----- -0.19

Specific gravity 15.6° C./15.6°C----- 1.1879

Esters, as methyl salicylate (per cent)----- 98.9

Adulteration of the article was alleged in the information for the reason that a substance, to wit, methyl salicylate, derived from a source other than wintergreen leaves, had been mixed and packed with the article so as to lower or reduce its quality and strength, and had been substituted, in whole or in part, for oil of wintergreen leaf, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Oil Wintergreen Leaf," borne on the label of the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it indicated that the article was genuine oil of wintergreen leaf, and for the further reason that it was labeled "Oil Wintergreen Leaf" so as to deceive and mislead the purchaser into the belief that it was genuine oil of wintergreen leaf, whereas, in truth and in fact, it was not, but was a mixture consisting, in whole or in part, of methyl salicylate, derived from a source other than wintergreen leaves. Misbranding was alleged for the further reason that the article was an imitation oil of wintergreen leaf prepared, in whole or in part, from methyl salicylate, derived from a source other than wintergreen leaves, and was offered for sale under the name [or distinctive name] of another article, oil of wintergreen leaf.

On March 27, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

CARL VROOMAN, *Acting Secretary of Agriculture.*