

**5603. Adulteration and misbranding of birch oil. U. S. * * * v. 3
Packages * * * of * * * Birch Oil. Consent decree of con-
demnation and forfeiture. Product ordered released on bond.
(F. & D. No. 6618. I. S. No. 3813-k. S. No. E-321.)**

On June 15, 1915, 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 three packages, containing approximately 150 pounds of birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about May 31, 1915, by J. B. Johnson, Hickory, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article 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 and a low boiling point petroleum oil, which had been mixed and packed with and substituted for oil of birch.

Misbranding of the article was alleged for the reason that it was offered for sale and invoiced as birch oil, whereas, in truth and in fact, it consisted largely of methyl salicylate and a low boiling point petroleum oil, which had been substituted for the pure oil.

On July 16, 1915, the said James B. Johnson, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should be correctly labeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*