

6053. Adulteration and misbranding of pennyroyal oil. U. S. * * * v. 1 Can * * * of Pennyroyal Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8607. I. S. No. 1154-p. S. No. E-930.)

On December 3, 1917, 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 one can, containing 60 pounds of pennyroyal oil, consigned on or about October 30, 1917, by M. G. Teaster, Elk Park, N. C., and transported from the State of North Carolina into the State of New York, alleging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pennyroyal Oil."

Adulteration of the article was alleged in the libel for the reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding of the article was alleged for the reason that the statement, "Pennyroyal Oil" borne on the label of the can, was false and misleading in that the article was not composed entirely of pennyroyal oil, but contained approximately 32 per cent of mineral oil. Misbranding was alleged for the further reason that it was an importation [imitation of] and was offered for sale under the name of another article, to wit, "Pennyroyal Oil."

On December 19, 1917, 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 relabeled and sold by the United States marshal as "Imitation Pennyroyal Oil, containing approximately 32 per cent of mineral oil." On February 13, 1918, upon a showing to the court that no bids had been received or offered for the purchase of the article and that the marshal had been unable to dispose of the same by sale, an order was entered that the writ for the sale of the article should be set aside and canceled, and it was further ordered that the article should be delivered to the Bureau of Chemistry of this department for disposition in the interest of the United States.

CARL VROOMAN, *Acting Secretary of Agriculture.*