

On May 5, 1919, 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 sold by the United States marshal after the obliteration of the labels on the cans and cases in which the article was contained.

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

**6922. Adulteration of sausage. U. S. \* \* \* v. Charles H. Leavell and Fred A. Spicer (Joseph Phillips & Co.). Plea of nolo contendere. Fine, \$200.** (F. & D. No. 9317. I. S. Nos. 3336-p, 3352-p, 3353-p, 3358-p, 3359-p, 3360-p, 3365-p.)

On November 27, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against Charles H. Leavell and Fred A. Spicer, copartners, trading as Joseph Phillips & Co., Washington, D. C., alleging that said defendants did offer for sale and sell, at the District aforesaid, in violation of the Food and Drugs Act, on February 2, 1918, a quantity of sausage, on February 6, 1918, quantities of smoked and green sausage, on February 11, 1918, a quantity of Frankfurter sausage, on February 13, 1918, quantities of Frankfurter and green link sausage, and on February 14, 1918, a quantity of smoked sausage, each of which was adulterated.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

Determination.	Sau- sage.	Smoked sau- sage.		Frankfurter sausage.		Green sau- sage.	Link sau- sage.
	Feb. 2, 1918.	Feb. 6, 1918.	Feb. 14, 1918.	Feb. 11, 1918.	Feb. 13, 1918.	Feb. 6, 1918.	Feb. 13, 1918.
Starch (per cent).....	5.5	5.3	5.6	6.3	5.5	2.6	3.5
Cereal calculated from starch (per cent).....	7.8	7.6	8.0	9.0	7.8	3.7	5.0
Water (per cent).....						70.1	67.7

Adulteration of the sausage, smoked sausage, and Frankfurter sausage was alleged in the information for the reason that a substance, to wit, a cereal product, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for sausage, or smoked sausage, or Frankfurter sausage, as the case might be, which the article purported to be, and for the further reason that it was a mixture composed in part of a cereal product prepared in imitation of sausage, or smoked sausage, or Frankfurter sausage, and said cereal product had been mixed therewith so as to simulate the appearance of sausage, or smoked sausage, or Frankfurter sausage, and in a manner whereby its inferiority to sausage, or smoked sausage, or Frankfurter sausage, was concealed.

Adulteration of the green sausage and green link sausage was alleged for the reason that a cereal product and added water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for green sausage or green link sausage, as the case might be, which the article purported to be, and for the further reason that it was a mixture composed in part of a cereal product and added water prepared in imitation of green sausage or green link sausage, and said cereal product and added water had been mixed therewith so as to simulate the appearance of green sausage or green link sausage, and in a

manner whereby its inferiority to green sausage or green link sausage was concealed.

On November 27, 1918, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$200.

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

**6923. Adulteration and misbranding of oil sweet birch. U. S. \* \* \* v. 7 Cans \* \* \* of Oil Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9367. I. S. No. 8628-p. S. No. C-978.)**

On September 30, 1918, the United States attorney for the Eastern District of Michigan, 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 7 cans, each containing 50 pounds of so-called oil of sweet birch, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped on July 29, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The cases containing the cans were labeled "Oil Betula Lenta U. S. P.," and the product was invoiced as "Oil Sweet Birch."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and further in that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article was alleged for the further reason that a certain chemical, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, and under the distinctive name of another article, and for the further reason that the name, "Oil Sweet Birch," used as a description of the article, was false and misleading. Misbranding of the article was alleged for the further reason that the quantity of the contents of said cans was not declared on the label.

On January 21, 1919, Edward E. Dickinson, claimant, Essex, Conn., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to 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 article should be properly relabeled under the supervision of this department.

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

**6924. Adulteration of tomato catsup. U. S. \* \* \* v. 1,650 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9411. I. S. No. 14313-r. S. No. E-1146.)**

On October 25, 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