

7024. Adulteration and misbranding of oil of wintergreen. U. S. * * * v. 2 Cans * * * of a Product Invoiced as "Oil Wintergreen." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9320. I. S. No. 13611-r. S. No. E-1111.)

On September 10, 1918, 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 2 cans, amounting to 108 pounds of a product invoiced as "Oil Wintergreen," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 15, 1918, 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, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the U. S. Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, and its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, 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 oil wintergreen leaf.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil wintergreen leaf [oil wintergreen], and for the further reason that the statement on the invoice, "Oil Wintergreen Leaf" [Oil Wintergreen], was false and misleading and deceived and misled the purchaser.

On March 10, 1919, the said J. 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 released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$216, in conformity with section 10 of the act, conditioned in part that the product should be relabeled as imitation oil of wintergreen.

E. D. BALL,

Acting Secretary of Agriculture.

7025. Adulteration and misbranding of birch oil. U. S. * * * v. 4 55-Pound Cans of Birch Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9321. I. S. No. 13613-r. S. No. E-1113.)

On September 11, 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 55-pound cans of birch oil at Brooklyn, N. Y., alleging that the article had been shipped on or about August 27, 1918, by M. G. Teaster, Johnson City, Tenn., and transported from the State of Tennessee 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, "Birch Oil. From M. G. Teaster, Elk Park, N. C."

Adulteration of the article, considered as a drug, 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 the investigation, and in that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of

the article, considered as a food, was alleged for the reason that a certain substance, 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, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, and, considered as a food, for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, and in that the statement "Birch Oil" was false and misleading and deceived and misled the purchaser.

On November 1, 1918, the said Millard G. Teaster, 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 released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$832, in conformity with section 10 of the act, conditioned in part that said product should be properly relabeled.

E. D. BALL,
Acting Secretary of Agriculture.

7026. Adulteration and misbranding of table oil. U. S. * * * v. 5 Cases of Table Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9323. I. S. No. 14720-r. S. No. E-1115.)

On September 13, 1918, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on February 18, 1919, an amended libel, praying the seizure and condemnation of 5 cases of table oil, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped on or about August 24, 1918, by Crisafulli Bros., New York, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that corn oil and cottonseed oil had been substituted wholly or in part for olive oil compounded with corn oil.

Misbranding of the article was alleged for the reason that the statement in prominent type, "Finest Quality Table Oil La Migliore Brand Insuperabile," and the statement in inconspicuous type, "Corn Salad Oil Compounded with," and the statement in more prominent type, "Extra Fine Olive Oil," with the designs of an olive tree and an olive branch bearing olives, conveyed the impression that the article was olive oil, when, in fact, it was not, but was composed almost entirely of cottonseed oil and corn oil; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, when, in truth and in fact, it was not, but consisted almost entirely of cottonseed oil and corn oil. Misbranding of the article was alleged for the further reason that the quantity of the contents of each can was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

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 containers of said product.

E. D. BALL,
Acting Secretary of Agriculture.