

On April 17, 1920, and on April 27, 1920, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold at public auction by the United States marshal, labeled as imitations of birch oil and oil of sweet birch, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7853. Adulteration and misbranding of oil of sweet birch, birch oil, and wintergreen oil. U. S. * * * v. 2 Cans * * * of a Product Purporting to be Birch Oil and 1 Can * * * of a Product Purporting to be Wintergreen Oil. U. S. * * * v. 1 Can * * * of a Product Purporting to be Oil of Sweet Birch and 1 Can * * * of a Product Purporting to be Wintergreen Leaf Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 11882, 11883. I. S. Nos. 540-r, 541-r, 542-r, 543-r. S. Nos. E-1925, E-1927.)

On January 14, 1920, 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 libels for the seizure and condemnation of 2 cans containing a product purporting to be birch oil, 1 can containing a product purporting to be wintergreen oil, 1 can containing a product purporting to be oil of sweet birch, and 1 can containing a product purporting to be wintergreen leaf oil, at New York, N. Y., alleging that the articles had been shipped on or about December 31, 1919, by the Green Goods Supply Shop, Johnson City, Tenn., and on or about December 27, 1919, by D. A. Winters, 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.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate.

Adulteration of the articles was alleged in that they were sold under names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of the investigation, and in that their own strength and purity fell below the professed standard or quality under which they were sold. The articles were further adulterated in that synthetic methyl salicylate had been mixed and packed with the products so as to reduce and lower and injuriously affect their quality and strength, and in that synthetic methyl salicylate had been substituted wholly or in part for the products.

Misbranding was alleged in that the articles were imitations of, and sold under the names of, other articles, to wit, birch oil, oil of sweet birch, wintergreen oil, and wintergreen leaf oil, respectively. The articles were further misbranded in that the statements, appearing upon the labels on the packages containing the article, were false and misleading, and deceived and misled the purchaser, and in that they were imitations of, and sold under the distinctive names of, other articles.

On April 17, 1920, and on May 1, 1920, no claimant having appeared in one case, and Thomas J. Ray having appeared as claimant in the other case and having defaulted in answer, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal at public auction as imitations of birch oil, oil of sweet birch, and wintergreen oil, respectively, under section 10 of the act, and that costs of the proceedings in which Thomas J. Ray appeared as claimant be taxed against Thomas J. Ray in the sum of \$28.17.

E. D. BALL, *Acting Secretary of Agriculture.*