

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about December 3, 1920, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

SS61. Adulteration and misbranding of wintergreen oil, oil birch, and wintergreen leaf oil. U. S. * * * v. Thomas J. Ray. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9721. I. S. Nos. 13601-r, 13604-r, 13606-r.)

On July 19, 1919, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas J. Ray, Elk Park, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, from the State of North Carolina into the State of New York, on or about July 12, 1918, of a quantity of wintergreen oil, on or about July 18, 1918, of a quantity of oil birch, and on or about July 22, 1918, of a quantity of wintergreen leaf oil, which were adulterated and misbranded. The shipments of July 12 and July 18 were labeled in part, respectively, "Wintergreen Oil" and "Oil Birch," "From T. J. Ray, Elk Park, N. C." The shipment of July 22 was invoiced as wintergreen leaf oil.

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 the information for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to lower and reduce and injuriously affect the quality and strength thereof, and had been substituted in part for oil of wintergreen, oil of birch, or wintergreen leaf oil, as the case might be. Adulteration was alleged for the further reason that the articles were sold under and by names recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity for each, as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation, in that they consisted in part of synthetic methyl salicylate derived from a source other than wintergreen or from the bark of the sweet birch, as the case might be, whereas the said Pharmacopœia provided that oil of wintergreen or wintergreen leaf oil should be obtained from *Gaultheria procumbens*, and that oil of birch should consist exclusively of oil obtained from the bark of the sweet birch, and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Misbranding of the articles was alleged for the reason that they were products composed in part of synthetic methyl salicylate prepared in imitation of wintergreen oil, wintergreen leaf oil, or birch oil, as the case might be, and were offered for sale and sold under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the consignments of alleged wintergreen oil and alleged oil birch for the reason that the statements, "Wintergreen Oil" and "Oil Birch," borne on the cans containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that the articles consisted wholly of wintergreen oil or birch oil, as the case might be, and for the further reason that they

were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of wintergreen oil or birch oil, whereas, in truth and in fact, the articles did not so consist, but consisted in part of synthetic methyl salicylate.

On August 30, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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

8862. Adulteration and misbranding of birch oil and oil sassafras. U. S. * * * v. Millard G. Teaster. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 10124. I. S. Nos. 13612-r, 13615-r.)

On July 22, 1919, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Millard G. Teaster, Elk Park, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the State of North Carolina into the State of New York, on or about August 29, 1918, of a quantity of an article purporting to be birch oil, and on or about September 7, 1918, of a quantity of an article purporting to be oil sassafras, which were adulterated and misbranded.

Analysis of a sample of the alleged birch oil by the Bureau of Chemistry of this department showed that it contained synthetic methyl salicylate. The alleged oil sassafras contained imitation oil of sassafras, made from waste camphor oil.

Adulteration of the articles was alleged in the information for the reason that a substance, to wit, synthetic methyl salicylate, or a substance prepared from waste camphor oil, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength, and had been substituted in whole or in part for oil of birch or oil of sassafras, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were sold under and by names recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity for each, as determined by tests laid down in said Pharmacopœia, official at the time of the investigation, in that the alleged oil of birch consisted in part of synthetic methyl salicylate derived from a source other than the bark of sweet birch, and the alleged oil of sassafras consisted in part of waste camphor oil, whereas the said Pharmacopœia provided that oil of birch should consist exclusively of an oil derived from the bark of the sweet birch and that oil of sassafras should be obtained exclusively from *Sassafras variifolium*, and the standard of strength, quality, and purity of the articles was not declared on the containers thereof.

Misbranding of the articles was alleged for the reason that the statements, "Birch Oil" and "Oil Sassafras," borne on the cans containing the articles, regarding them and the ingredients and substances contained therein, were false and misleading in that they represented that the articles were birch oil or oil sassafras, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were birch oil or oil sassafras, as the case might be, whereas, in truth and in fact, the articles were not birch oil or oil sassafras, but the alleged birch oil was a mixture composed in part of synthetic methyl salicylate, and the alleged oil sassafras consisted in part of waste camphor oil. Misbranding was alleged for the further reason that the articles were mixtures composed in part of synthetic methyl salicylate or waste camphor oil, as the case might be, and