

4254. Adulteration and misbranding of so-called birch oil. U. S. * * *
v. 2 Cans * * * Birch Oil. Default decree of condemnation, for-
feiture, and destruction. (F. & D. No. 6596. I. S. No. 3805-k. S. No.
E-308.)

On June 8, 1915, 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, each containing approximately 50 pounds of a product purporting to be birch oil, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about May 22, 1915, and transported from the State of Kentucky into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The cans were labeled, in part: "From V. B. B., Berea, Kentucky," and were invoiced and described by the shipper thereof as birch oil.

It was alleged in the libel that the product was adulterated in violation of section 7, paragraphs first and second, under the title "Food" of said act, in that said product was offered for sale as birch oil, when, in fact, it consisted almost entirely of methyl salicylate, which had been mixed and packed with and substituted for birch oil.

Misbranding was alleged for the reason that the product was offered for sale and invoiced by the shipper thereof as birch oil, whereas, in truth and in fact, it consisted largely of methyl salicylate, which was substituted for the pure oil.

On July 7, 1915, 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 destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*