

4292. Adulteration of oil of birch. U. S. * * * v. 2 Cans of Oil of Birch.
Default decree of condemnation, forfeiture, and destruction. (F.
& D. No. 6771. I. S. Nos. 3820-k, 3821-k. S. No. E-369.)

On July 28, 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 a certain article of food purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped and transported from the State of North Carolina into the State of New York, one of the cans having been received on or about June 21, 1915, and the other on or about July 9, 1915, and charging adulteration in violation of the Food and Drugs Act. One of the cans was labeled, in part: "From H R Lathrop and Co., Inc., Medicinal roots, herbs, barks, ginseng, golden seal, beeswax, etc. Asheville, N. C. Value \$100.00 on 1 can." The other was labeled, in part: "From H R Lathrop and Co., Inc. Medicinal roots, herbs, barks, ginseng, golden seal, beeswax, etc. Asheville, N. C. Value \$45.00 on 1 can." "Birch."

Adulteration of the article was alleged in the libel for the reason that there had been mixed and packed with it so as to reduce, and lower, and injuriously affect its quality and strength, certain methyl salicylate and certain foreign oil. Adulteration was alleged for the further reason that there had been substituted wholly or in part in said article of food certain other substances, to wit, methyl salicylate and foreign oil.

On September 21, 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.*