

**4596. Adulteration and misbranding of oil of gaultheria. U. S. \* \* \* v. 2 Cans of Oil of Gaultheria \* \* \*. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6910. I. S. No. 11518-1. S. No. C-345.)**

On October 8, 1915, the United States attorney for the Western District of Michigan, 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 54 pounds, of an article purporting to be oil of gaultheria, remaining unsold in the original unbroken packages at Kalamazoo, Mich., alleging that the article had been shipped, on or about September 1, 1915, and transported from the State of Virginia into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, in part: (Label on outside of wooden container) "Oil of Gaultheria." (Tag on each can marked as follows) "from Southern Root & Herb Co. Wholesale medicated roots, herbs, barks, and essential oils, Damascus, Va. Value \$150."

The allegations in the libel were to the effect that the article was adulterated for the reason that it consisted wholly or in part of oil of birch and of methyl salicylate, not derived from oil of gaultheria, which said oil of birch and methyl salicylate had reduced and lowered the quality and strength of said oil of gaultheria.

The allegations were to the further effect that the article was misbranded in that it was labeled "Oil of Gaultheria," whereas, in truth and in fact, it consisted wholly or in part of oil of birch and of methyl salicylate, not derived from oil of gaultheria, which said oil of birch and methyl salicylate had reduced and lowered the quality and strength of said oil of gaultheria.

On November 8, 1915, J. T. Ray, doing business under the name and style of The Southern Root & Herb Co., Damascus, Va., claimant, having filed his answer admitting, for the purposes of the case only, and for no other purpose, the allegations in the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered, and said claimant having paid the costs of the proceedings, and having executed bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*