

**5788. Adulteration and misbranding of oil of birch. U. S. \* \* \* v. 2 Cans \* \* \* of \* \* \* Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8236. I. S. No. 3434-m. S. No. E-845.)**

On May 16, 1917, 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 an article purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about April 18, 1917, by T. J. Ray, Elk Park, N. C., and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it contained synthetic methyl salicylate which had been mixed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the article.

Adulteration [misbranding] of the article was alleged for the reason that it was an imitation of, and offered for sale under the distinctive name of, another article, to wit, oil of birch, when it was not such, and for the further reason that it was food in package form, and the quantity of the contents was not stated on the outside of the package in terms of weight, measure, or numerical count.

On June 27, 1917, the said Thomas J. Ray, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the filing of a cash bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product should be properly relabeled.

**CARL VROOMAN, Acting Secretary of Agriculture.**