

to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oil *Betula lenta*, that is to say, oil of sweet birch, which the article purported to be.

It was alleged in the information that the article shipped on August 3, 1918, was adulterated in that it was sold under and by a name recognized in the United States Pharmacopœia, and that it differed from the standard prescribed in said Pharmacopœia, and its own standard was not stated upon the container, and the strength and purity of the article fell below the professed standard and quality under which it was sold.

Further adulteration was alleged as to the shipment of August 3, 1918, in that a substance, to wit, synthetic methyl salicylate, had been mixed and packed with the article so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for oil of sweet birch, which the article purported to be.

Misbranding of the article in all of the shipments was alleged for the reason that the statements, "Oil *Betula Lenta*," "Oil of Sweet Birch Wintergreen *Betula Dickinson's Oil of Sweet Birch, U. S. P.*," and "Dickinson's Oil *Betula Lenta (sweet birch) Oil of Betula. (Betula Lenta.) (Oil of Sweet Birch.) (Sometimes Called Oil of Wintergreen.)*," appearing on the respective labels, were false and misleading in that they represented to purchasers of the said article that the same consisted of oil of sweet birch, whereas, in fact and in truth, the article was not oil of sweet birch, but was a mixture of oil of sweet birch with synthetic methyl salicylate. Further misbranding was alleged in that the article was an imitation of another article, to wit, oil *Betula lenta*, that is to say, oil of sweet birch, and was offered for sale under the distinctive name of another article, to wit, oil of sweet birch, whereas, in truth and in fact, the said article was not oil of sweet birch, but was a mixture of oil of sweet birch with synthetic methyl salicylate.

On December 11, 1919, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$300.

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

**7650. Adulteration and misbranding of condensed milk. U. S. \* \* \* v. 4,228 Cases \* \* \* Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8853. I. S. No. 1367-p. S. No. E-991.)**

On or about March 12, 1918, the United States attorney for the Eastern 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 4,228 cases, each containing 48 16-ounce cans of condensed milk, consigned on or about November 13, 1917, November 26, 1917, February 4, 1918, and February 13, 1918, by T. M. Stevens & Co., incorporated, Portland, Ore., remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped and transported from the State of Oregon into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Holly Brand Unsweetened Condensed Milk Manufactured by Holly Condensed Milk Co., Amity, Oregon. Notice The Manufacturers guarantee the contents of this can to be pure cows' milk, condensed and thoroughly sterilized. It contains no preservative or foreign substance whatever. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that a partially condensed milk had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for condensed milk, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, condensed milk, and that the statement "Condensed Milk" was false and misleading and deceived and misled the purchaser into the belief that the product was condensed milk, whereas examination showed that it was a partially condensed milk.

On October 3, 1918, Austin, Nichols & Co., Inc., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

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