

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1481.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF OYSTERS IN SHELL.

On November 22, 1911, the United States Attorney for the District of Columbia, 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 two barrels of oysters in the shell in possession of Henry R. Conklin, Center Market, Washington, D. C., alleging that the product had been transported from the State of New York into the District of Columbia, date of shipment and consignor not known, and charging adulteration in violation of the Food and Drugs Act.

Analysis by the Bureau of Chemistry of this Department showed the following results: 5 out of 5 oysters showed the presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 3 out of 5 in 0.1 cc, and 1 out of 5 in 0.01 cc. Score, 41. 110,000 bacteria per cc, plain agar 25° C.; 50,000 bacteria per cc, plain agar 37° C., ten gas-producing organisms. Adulterated. Four out of 4 oysters showed presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 3 out of 4 in 0.1 cc, and 2 out of 4 in 0.01 cc. Score, 275. 700,000 bacteria per cc plain agar 25° C.; 500,000 bacteria per cc plain agar 37° C. One hundred gas-producing organisms. Ten *B. coli* group from 2 oysters. Adulterated. Five out of 5 oysters showed presence of gas developing in 1 cc in bile fermentation tubes after 3 days at 37° C.; 5 out of 5 in 0.1 cc; and 1 out of 5 in 0.01 cc. Score, 140. 1,000 bacteria per cc plain agar 25° C.; 5,000 bacteria per cc plain agar 37° C.; 100 *B. coli* group; 100 streptococci. Adulterated. Adulteration was charged in that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance and was therefore unfit for human consumption.

On December 29, 1911, no appearance having been made a default judgment of condemnation and forfeiture was entered and it was further decreed by the court that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 24, 1912.

