

United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

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**NOTICE OF JUDGMENT NO. 1699.**

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

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**ADULTERATION AND MISBRANDING OF OYSTERS.**

On February 9, 1912, the United States Attorney for the District of Colorado, 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 64 cases, each containing 24 cans, purporting and representing to be first quality oysters, remaining unsold in the original unbroken packages and in possession of the Henkel-Duke Mercantile Co., Pueblo, Colo., alleging that the product had been shipped from the State of Louisiana into the State of Colorado, date of shipment not shown, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Rose Brand Cove Oysters First Quality Packed For Chesapeake Oyster Co." (On cans) "Rose Brand Cove Oysters First Quality These Goods are Guaranteed to Conform With the Pure Food Law As Enacted June 30, 1906."

Adulteration was charged in the libel for the reason that water had been mixed and packed with the oysters so as to reduce and lower their quality and strength, and for the further reason that water had been substituted in part for the oyster juice contained therein. Misbranding was alleged for the reason that the labels on the product contained a statement regarding it which was misleading and deceptive and intended to mislead and deceive the purchasers into believing that the product consisted of first quality "Rose Brand Cove Oysters," whereas in truth and in fact it was not so but instead it was true that water was substituted in such large amount as to lower the strength and quality of the oysters and oyster juice.

On May 7, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the United States marshal should destroy the product.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 1, 1912.*