

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2190.

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

ADULTERATION OF OYSTERS.

On July 17, 1912, the United States Attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Michael P. Howlett, Maurice River, N. J., alleging shipment by him, in violation of the Food and Drugs Act, from the State of New Jersey into the District of Columbia—

(1) On November 9, 1911, of a quantity of oysters which were adulterated. The product was labeled: "M. P. H. 10194-11-10 For H. R. Concklin 513-11th St., Washington, D. C. M. P. Howlett Planter and Shipper of Fresh and Salt Oysters. Maurice River, N. J. 500 P."

Examination of a sample of the product by the Bureau of Chemistry of this Department showed the following results: 5 out of 5 oysters showed the presence of gas-producing organisms per cubic centimeter after 3 days' incubation in bile fermentation tubes; 5 out of 5 oysters in 0.1 cubic centimeter quantities; 3 out of 5 oysters in 0.01 cubic centimeter quantities; score, 320 points. 100 *B. coli* group isolated from each of 3 oysters, 10 *B. coli* group isolated from each of 2 oysters. 600,000 organisms per cubic centimeter, plain agar, after 3 days at 25° C.; 500,000 organisms per cubic centimeter, plain agar, after 3 days at 37° C.

(2) On or about November 10, 1911, of a quantity of oysters which were adulterated. The product was labeled: "M. P. H. 800 C 4115-10-10 For H. R. Concklin 513-11th St., Washington, D. C. M. P. Howlett, Planter and Shipper of Fresh and Salt Oysters, Maurice River, N. J."

Adulteration of both consignments of the product was alleged in the information for the reason that, being an article used for food by man, it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, that is to say, oysters containing an excessive number of organisms, including gas-producing organisms and

bacteria of the *B. coli* group, which latter indicated contamination of the product with fecal matter.

On September 17, 1912, the defendant entered a plea of non vult to the information and the court suspended sentence.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 9, 1913.*

2190

