

State of Iowa into the State of South Dakota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Dacotah Brand Pure Cane Vinegar—4½ acetic—Mfd. for Andrew Kuehn Co., Sioux Falls, S. D."

Adulteration of the product was alleged in the libel for the reason that it contained distilled vinegar which had been mixed and packed with and substituted for cane vinegar, thus reducing and lowering the quality and strength of the vinegar. Misbranding was alleged for the reason that the 20 barrels of cane vinegar did not contain "Pure Cane Vinegar," as they purported to contain, but each of them contained vinegar which was a mixture of cane and distilled vinegars.

On October 31, 1913, the said Haarmann Vinegar & Pickle Co., claimant, having filed its answer consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be redelivered and surrendered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 8, 1914.

3298. Adulteration of oysters. U. S. v. George H. Mott. Plea of nolo contendere. Sentence suspended. (F. & D. No. 4433. I. S. No. 20319-d.)

On October 29, 1912, 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 an information against George H. Mott, the name George being fictitious, the real Christian name being unknown, doing business at Inwood and Far Rockaway, New York, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about April 17, 1912, from the State of New York into the State of Pennsylvania, of a quantity of oysters which were adulterated.

Bacteriological 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 in bile fermentation tubes after 4 days' incubation at 37° C. in 1 cc quantities; 4 out of 5 in 0.1 cc quantities; 2 out of 5 in 0.01 cc quantities; 0 in 0.001 cc quantities; 10 *B. coli* group per cc isolated from 2 oysters; 100 *B. coli* group per cc isolated from 2 oysters; 1 streptococcus per cc isolated from 3 oysters; 10 streptococci per cc isolated from 2 oysters. Score, 140 points.

Adulteration of the product was alleged in the information for the reason that it consisted in part of filthy, decomposed, and putrid animal and vegetable substance.

On January 19, 1914, the defendant entered a plea of nolo contendere to the information, and the court suspended sentence.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

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