

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3301. Adulteration of oysters. U. S. v. Edward Bennett. Plea of nolo contendere. Sentence suspended. (F. & D. No. 4493. I. S. No. 20318-d.)

At a stated term of the District Court of the United States for the Eastern District of New York, the grand jurors of the United States within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, returned an indictment against Edward Bennett, Brooklyn, N. Y., charging shipment by said defendant, in violation of the Food and Drugs Act, on April 17, 1912, from the State of New York into the State of Pennsylvania, of a quantity of oysters which were adulterated.

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results: Five out of 5 oysters showed the presence of gas-producing organisms in bile fermentation tubes after 3 days' incubation at 37° C. in 1 cc quantities; 5 out of 5 oysters in 0.1 cc quantities; 4 out of 5 oysters in 0.01 cc quantities; 0 out of 5 oysters in 0.001 cc quantities; 100 streptococci per cc isolated from 1 oyster; 10 streptococci per cc isolated from each of 3 oysters; 1 streptococcus per cc isolated from 1 oyster; score, 410 points.

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

On January 12, 1914, the defendant entered a plea of nolo contendere to the indictment, and the court suspended sentence.

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

WASHINGTON, D. C., *May 26, 1914.*

3302. Adulteration of oysters. U. S. v. Warren Cornell. Plea of nolo contendere. Sentence suspended. (F. & D. No. 4504. I. S. No. 20716-d.)

At the November, 1912, term of the District Court of the United States for the Eastern District of New York, the grand jurors of the United States of America within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, returned an indictment against Warren Cornell, late of the county of Queens, State and Eastern District of 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: Five 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; 5 in 0.1 cc quantities; 3 in 0.01 cc quantities; 0 in 0.001 cc quantities; score, 320 points; 1 streptococcus per cc isolated from each of 2 oysters; 10 streptococci per cc isolated from each of 3 oysters; 10 *B. coli* group per cc isolated from each of 2 oysters; 100 *B. coli* group per cc isolated from each of 3 oysters.

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