

Issued July 26, 1913.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2482.

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

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**U. S. v. 10 Packages Oysters. Decree of condemnation by default. Goods ordered destroyed.**

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### ADULTERATION OF OYSTERS.

On November 8, 1912, the United States Attorney for the District of Nebraska, 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 ten packages of oysters remaining unsold in the original unbroken packages and in possession of Cole-Frye Oyster Co., doing business under the name of David Cole Oyster Co., Omaha, Nebr., alleging that the product had been shipped on or about November 5, 1912, by Alexander Frazer, New York, N. Y., and transported from the State of New York into the State of Nebraska, and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that the oysters were taken from the waters of Princess Bay and Yellowstone Bar, Jamaica Bay, which waters are polluted from sewerage from Brooklyn, N. Y., and vicinity, and said product was therefore filthy and unfit for food purposes.

On February 18, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

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

WASHINGTON, D. C., *May 29, 1913.*