

24953. Flour. (F.D.C. No. 41782. S. No. 21-306 P.)

QUANTITY: 11 50-lb. bags, at Henryetta, Okla., in possession of Boerstler Bros.

SHIPPED: 3-11-58, from Salina, Kans.

LIBELED: 5-22-58, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-27-58. Consent—destruction.

24954. Flour. (F.D.C. No. 41537. S. No. 882 P.)

QUANTITY: 17 50-lb. bags at Griffin, Ga., in possession of Service Wholesale Co.

SHIPPED: 11-5-57, from Arkansas City, Kans.

LIBELED: 4-30-58, N. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-9-58. Default—destruction.

24955. Flour. (F.D.C. No. 41535. S. Nos. 6-834/5 P.)

QUANTITY: 30 25-lb. bags, and 30 100-lb. bags, at Adams, Mass., in possession of Butler Coal & Grain Co., Inc.

SHIPPED: Between 6-6-57 and 2-28-58, from Akron, Ohio, and Alton, Ill.

LIBELED: 4-28-58, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent hairs and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-16-58. Default—destruction.

24956. Malted wheat flour. (F.D.C. No. 41814. S. Nos. 39-868/9 P.)

QUANTITY: 951 100-lb. bags at San Francisco, Calif.

SHIPPED: Between 7-3-57 and 10-4-57, from Portland, Oreg.

LIBELED: 6-19-58, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect parts, and insect webbing while held for sale.

DISPOSITION: 6-26-58. Consent—claimed by California Brewing Co., San Francisco, Calif., and denatured.

24957. Flour. (F.D.C. No. 41803. S. No. 29-730 P.)

QUANTITY: 127 25-lb. bags at Baton Rouge, La., in possession of Louisiana Specialty Co.

SHIPPED: 4-21-58, from Wichita Falls, Tex.

LIBELED: 6-11-58, E. Dist. La.

CHARGE: 402(a)(3)—contained rodent urine and rodent pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-16-58. Default—destruction.

24958. Flour. (F.D.C. No. 41835. S. No. 26-565 P.)

QUANTITY: 170 100-lb. bags at Wall Lake, Iowa, in possession of Brice Foods, Inc.

SHIPPED: 4-30-58, from Minneapolis, Minn.

LIBELED: 7-3-58, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-30-58. Consent—claimed by Brice Food, Div. of The Col-R-Corn Corp., Omaha, Nebr. Segregated; 71 bags denatured for use as animal feed.

MISCELLANEOUS CEREALS*

24959. Wheat. (Inj. No. 319.)

COMPLAINT FOR INJUNCTION FILED: 10-11-57, Dist. Kans., against Norris Grain Co., a corporation, Willis, Kans., and Raymond L. Hoar, elevator manager.

CHARGE: The complaint alleged that the defendants were engaged in storing and distributing wheat for human consumption, and that they had been and were causing to be introduced and delivered for introduction into interstate commerce, such wheat which was adulterated under 402(a)(4) by reason of the holding of the wheat under insanitary conditions.

The complaint alleged further that the insanitary conditions in the defendants' grain elevator, where the wheat was stored, resulted from and consisted of the storage of the wheat in bins open at the top to entry by rodents and birds; rodent excreta pellets in and on the wheat in the bins; live birds and bird droppings in the headhouse area; rodent excreta pellets on the ledges and floor of the elevator and in and around the equipment used in storing the wheat; the presence of large cracks in the walls and holes in the foundation, through which rodents could enter; open, unscreened doors permitting the entry of birds and rodents; and, old residues of dust and grain throughout the elevator.

The complaint alleged also that the defendants were well aware that their activities were violative of the law; that inspections were made of the defendants' grain elevator in 1952, 1953, and 1957, at which times they were informed of the insanitary conditions; and, that despite such warnings, the defendants failed to correct the insanitary conditions in the grain elevator and continued to introduce adulterated wheat for human consumption into interstate commerce, as indicated above.

DISPOSITION: On 10-11-57, the court entered a temporary order restraining the defendants against the acts complained of.

On 10-18-57, the defendants having consented, the court entered a permanent injunction enjoining the defendants against causing wheat for human consumption, or any similar article of food for human consumption, to be introduced and delivered for introduction into interstate commerce, unless and until:

(a) the elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of such food by eliminating the above-enumerated insanitary conditions and any similar insanitary conditions which may result in the contamination of such food;

(b) all of the wheat for human consumption on hand in the elevator at the time it was cleaned, renovated, and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal food, or

*See also No. 24951.