

destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of the Food and Drug Administration; and

(c) an inspection was made of the plant by the Food and Drug Administration and a report made to the court that the above-mentioned insanitary conditions no longer existed, and that the rice described in subparagraph (b), above, had been destroyed, denatured, or brought into compliance with the law.

Pursuant to agreement of the parties, an order was entered by the court which continued the temporary restraining order in effect until February 15, 1960.

25920. Rice. (F.D.C. No. 43461. S. No. 53-969 P.)

QUANTITY: 47 25-lb. bags and 34 50-lb. bags at Stuttgart, Ark., in possession of Comet Rice Mills.

SHIPPED: 8-28-59, from Syracuse, N.Y.

LIBELED: 9-30-59, E. Dist. Ark.

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

DISPOSITION: 10-30-59. Default—delivered to a public institution for use as animal feed.

25921. Rice. (F.D.C. No. 43468. S. No. 65-777 P.)

QUANTITY: 5 100-lb. bags and 34 cases, 24 1-lb. bags each, at Sharon, Pa.

SHIPPED: 6-30-59, from Youngstown, Ohio.

RESULTS OF INVESTIGATION: The article in the one pound bags was repacked by the dealer from bulk stock shipped as described above.

LIBELED: 10-7-59, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-23-59. Default—destruction.

25922. Barley. (F.D.C. No. 42051. S. No. 26-362 P.)

QUANTITY: 92,060 lbs. at Minneapolis, Minn.

SHIPPED: 6-26-58, from Clark, S. Dak., by Clark County Farmers Elevator Co.

LIBELED: 7-15-58, Dist. Minn.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which was unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley has been prescribed by regulations.

DISPOSITION: 7-18-58. Consent—claimed by Clark County Farmers Elevator Co. Segregated; 18,730 lbs. destroyed.

25923. Wheat. (Inj. No. 345.)

COMPLAINT FOR INJUNCTION FILED: 12-11-58, Dist. Md., against Myron L. Bloom, Sr., St. James, Md.

CHARGE: The complaint alleged that the defendant was engaged in storing and distributing wheat for human consumption, and that he was causing to be introduced and delivered for introduction into interstate commerce, such wheat which was adulterated under 402(a) (3) by reason of the presence of insect and rodent filth in the wheat, and under 402(a) (4) by reason of holding the wheat under insanitary conditions.

The complaint alleged further that the insanitary conditions in the defendant's grain elevator where the wheat was stored resulted from and consisted of the presence of wide-open entrances to the tunnel under the silos and to the elevator boots which allowed insects, birds, and rodents free access to the elevator; spilled wheat in the entrances, containing bird feathers, bird excreta, and rat excreta; spilled wheat up to six inches deep in the elevator boot, containing live insects and decaying on the bottom; live insects in one inch of partly decomposed wheat under the worm screw of the conveyor through which all wheat must pass; accumulations of filth in the tunnel beneath the concrete wheat bins; bin manhole covers left off, and bins thereby left open to all types of contamination; spilled grain on the floor of the bucket elevator head which is open to contamination by birds; the grill opening to the dump bed on the first floor left open to all types of contamination; filthy upper portion of grain cleaner separator and spilled grain and dirt on the floor around said machine; cluttered piles of dusty bags of wheat cleanings on the first floor affording rodent and insect harborages; rat and mouse pellets on the second floor of the grain elevator and in accumulations of spilled wheat; and the floors of the main elevator building deeply carpeted with dust and cleanings, containing thousands of rodent pellets.

The complaint alleged also that the defendant was well aware that his activities were violative of the law; that inspections were made of the defendant's grain elevator during April, July, and September, 1958, at which times the defendant was informed of the insanitary conditions; and that despite such warnings the defendant failed to correct the insanitary conditions in the elevator and continued to introduce wheat for human consumption into interstate commerce, which was adulterated as indicated above.

DISPOSITION: On 12-17-58, the defendant having consented, the court entered a temporary restraining order enjoining the defendant against the acts complained of.

On January 9, 1959, the defendant having consented, the court entered an injunction enjoining the defendant against causing wheat for human consumption held in the defendant's elevator at St. James, Md., 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 wheat for human consumption, and all insect, bird, and rodent filth was removed from the elevator and all equipment used in storing the wheat was cleaned; all insect, bird, and rodent infestation in the elevator was eliminated and the means of ingress and egress to the elevator by insects, birds, and rodents were closed; and any similar insanitary conditions which may result in the contamination of such wheat while held in the elevator were eliminated;

(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 feed,

or cleaned and otherwise reconditioned under the supervision of the Food and Drug Administration; and

(c) an inspection was made of the grain elevator by the Food and Drug Administration, and a report made to the court that the above-mentioned insanitary conditions no longer existed; and that the wheat for human consumption had been destroyed, denatured, or brought into compliance with the law.

25924. Wheat. (F.D.C. No. 43274. S. No. 42-160 P.)

QUANTITY: 100,200 lbs. at Tacoma, Wash.

SHIPPED: 5-20-59, from Dutton, Mont.

RESULTS OF INVESTIGATION: Examination showed that the article was in a railroad car infested with live mice.

LIBELED: 6-22-59, W. Dist. Wash.

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

DISPOSITION: 7-2-59. Consent—claimed by Dutton Farmers Elevator Co. and converted into animal feed.

25925. Wheat. (F.D.C. No. 42589. S. No. 28-474 P.)

QUANTITY: 39,000 lbs. at Hobart, Okla.

SHIPPED: 12-16-58, from Houston, Tex. This was a return shipment.

LIBELED: 12-19-58, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 9-3-59. Consent—claimed by Darrell McNutt, Hobart, Okla., and converted into seed wheat.

25926. Wheat. (F.D.C. No. 43180. S. No. 22-160 P.)

QUANTITY: 45,000 lbs. at Kansas City, Kans.

SHIPPED: 5-19-59, from Vermillion, S. Dak., by Farmers Elevator Co.

LIBELED: 6-4-59, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-11-59. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Segregated; 5,110 lbs. denatured.

25927. Wheat. (F.D.C. No. 43030. S. No. 11-170 P.)

QUANTITY: 114,000 lbs. at Buffalo, N.Y.

SHIPPED: 5-15-59, from Columbus, Ohio, by Farm Bureau Cooperative.

LIBELED: 5-25-59, W. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, contained rodent excreta pellets.

DISPOSITION: 5-28-59. Consent—claimed by Farm Bureau Cooperative Association, Inc., Columbus, Ohio, and denatured for use as animal feed.

25928. Wheat. (F.D.C. No. 43405. S. No. 49-635 P.)

QUANTITY: 120,000 lbs. at Spokane, Wash.

SHIPPED: 7-10-59, from Hardin, Mont., by Occident Elevator.

LIBELED: 7-24-59, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 8-24-59. Consent—claimed by W. R. Glover, t/a Glover Grain Co., Spokane, Wash. Segregated; 5,710 lbs. converted into animal feed.