

DISPOSITION: 5-16-60. Default—delivered to a public institution for use as animal feed.

26660. Flour. (F.D.C. No. 44712. S. No. 11-837 R.)

QUANTITY: 120 100-lb. bags at Chicago, Ill.

SHIPPED: 5-6-60, from Barton, Wis., by Gadow Milling Co.

LABEL IN PART: (Tag) "Snow Drop Flour Manufactured by Gadow Milling Company Barton, Wisconsin."

LIBELED: 7-7-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent hairs and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-3-60. Default—destruction.

26661. Flour. (F.D.C. No. 44459. S. No. 18-507 R.)

QUANTITY: 180 25-lb. bags at Lubbock, Tex., in possession of Furr's, Inc.

SHIPPED: From outside the State of Texas.

LIBELED: 5-20-60, N. Dist. Tex.

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

DISPOSITION: 8-5-60. Default—destruction.

26662. Flour. (F.D.C. No. 44681. S. No. 32-873 R.)

QUANTITY: 51 100-lb. bags at New York, N.Y., in possession of Lehigh Valley Railroad.

SHIPPED: 5-11-60, from Red Wing, Minn.

LIBELED: 7-5-60, S. Dist. N.Y.

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

DISPOSITION: 8-12-60. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26663. Wheat. (Inj. No. 344.)

COMPLAINT FOR INJUNCTION FILED: 12-11-58, Dist. Kans., against Dannen Mills, Inc., Ashton, Kans.

CHARGE: The complaint alleged that the defendant was engaged in storing and distributing wheat for human consumption, and that the defendant had been and was causing to be introduced and delivered for introduction into interstate commerce, such wheat which was adulterated under 402(a)(3) in that it contained rodent and insect filth; and under 402(a)(4) in that it was held under insanitary conditions whereby it may have become contaminated with filth.

It was alleged further that the insanitary conditions in the defendant's grain elevator, where the wheat was held, resulted from and consisted of ill-fitting doors on the driveway under which rodents could enter even when they are closed; an odor of decomposition; mouse excreta pellets in the driveway; a large, rodent-gnawed hole in the southwest corner of the driveway; mouse excreta pellets on the beam in the dump pit under which wheat flows; rat

*See also No. 26697.

pellets on the work floor and mouse excreta pellets on the wheat stored on the work floor; rodents living in an old unused collecting bin in the boot pit, with rodent-gnawed holes, rodent burrows, and rat excreta pellets on the bottom of the pit and the ledges, as well as a dead mouse on the floor of the boot pit and a strong odor of decomposition; mouse excreta pellets and mouse tracks on the surface of the wheat in all the bins in the headhouse, as well as live weevils in the wheat and heavily tracked ledges and rodent-gnawed holes in the headhouse; rat and mouse pellets and dead mice in the feed warehouse from which rodents come and go to the elevator where wheat for human consumption was stored; mouse burrows around the drive; a pump house and a pile of railroad car doors on the premises which served as rat harborages; rodent holes, rodent tracks on the wheat, mouse excreta pellets around the pillars supporting the roof, near the bottom of the valleys of wheat, and along the walls, as well as live mites on the wheat, in the flat storage building.

DISPOSITION: On 12-24-58, the defendant having consented, the court entered a temporary injunction enjoining the defendant against causing wheat for human consumption, or any similar article of food, 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 rodent and insect filth were removed from the elevator and all equipment used in storing such wheat was cleaned; all rodent and insect infestation in the elevator and storage warehouse was eliminated and their means of ingress and egress to the elevator and storage warehouse were closed; all dead animals were removed; and any similar insanitary conditions which may result in the contamination of such wheat while held in the elevator and storage warehouse were eliminated;

(b) all of the wheat for human consumption on hand in the elevator at the time the elevator was cleaned, renovated and rendered suitable for the storage of wheat for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration; and

(c) an inspection was made of the grain elevator and storage warehouse 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.

On 4-28-59, the court entered an order modifying the injunction to permit the defendant to ship wheat in interstate commerce from the elevator in view of the fact that the defendant had removed the insanitary conditions existing there at the time of the entering of the temporary injunction.

On 3-23-60, on motion of the Government, the injunction was dismissed with prejudice for the reason that the grain on hand and the premises were in good condition.

26664. Wheat. (F.D.C. No. 44696. S. No. 44-482 R.)

QUANTITY: 111,000 lbs. at Tacoma, Wash.

SHIPPED: 6-6-60, from Bellevue, Idaho, by Wood River Feed & Seed Co., Inc.

LIBELED: 6-28-60, W. Dist. Wash.