

DISPOSITION: 10-24-62. Default—delivered to a public institution for destruction.

28408. Self-rising flour and monocalcium phosphate. (F.D.C. No. 47835. S. Nos. 363 T, 367 T, 400 T, 2-665 T, 2-668 T, 55-013 T.)

INFORMATION FILED: 8-15-62, M. Dist. N.C., against Laurinburg Milling Co., Laurinburg, N.C.

ALLEGED VIOLATION: The flour was shipped between 10-30-61 and 1-25-62, from Laurinburg, N.C., to Bennettsville, Sumter, and Lake City, S.C. While the monocalcium phosphate was being held for sale after shipment in interstate commerce, the defendant, between 9-11-61 and 1-24-62, caused the article to be held in a building accessible to rodents and insects and caused the article to be exposed to contamination by rodents and insects.

LABEL IN PART: (Bag) "LAMICO ROSE BLEACHED SELF-RISING FLOUR [or GOOSE GIRL SELF-RISING ENRICHED FLOUR, or SNOW LILY SELF-RISING FLOUR] MANUFACTURED BY LAURINBURG MILLING CO. LAURINBURG, N.C."

CHARGE: 402(a) (3)—the flour contained insects, insect parts, and rodent hair fragments; and 402(a) (4)—prepared under insanitary conditions.

402(a) (3)—the monocalcium phosphate contained rodent urine; 402(a) (4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 9-10-62. \$600 fine.

28409. Oat flour and quick cooking oats. (F.D.C. No. 47068. S. Nos. 21-946 R, 29-678 R, 29-680 R, 62-527 R.)

INFORMATION FILED: 5-3-62, S. Dist. Iowa, against General Mills, Inc., t/a General Mills Purity Oats Operation, Keokuk, Iowa, and Sidney A. Griffith, superintendent.

SHIPPED: Between 1-24-61 and 1-26-61, from Keokuk, Iowa, to Toledo, Ohio, Buffalo, N.Y., Minneapolis, Minn., and Somerset, Ky.

LABEL IN PART: (Ctn.) "Quick Purity Oats Net Wt. 1 Lb. 2 Oz. General Mills, Inc., General Offices, Minneapolis 26, Minnesota."

CHARGE: 402(a) (3)—contained rodent hair fragments, insect fragments, and rodent excreta pellets.

PLEA: Nolo contendere.

DISPOSITION: 6-22-62. Corporation—\$800 fine, plus costs. Griffith—\$400 fine.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

28410. Wheat. (Inj. No. 435.)

COMPLAINT FOR INJUNCTION FILED: 9-10-62, Dist. Colo., against Robinson Grain Co., a partnership, Eads, Colo., Clyde D. McNeill, partner, and William Sauer, manager.

CHARGE: The complaint alleged that the defendants operated, at Eads, Colo., a grain storage facility consisting of a grain elevator of a vertical crib-type structure which had 9 ironclad wooden bins and an additional 12 butler steel bins to the east and south of the main elevator building, for the storage and distribution of wheat for human consumption; that the defendants had been

*See also No. 28404.

shipping in interstate commerce wheat which was adulterated within the meaning of 402(a) (3) and (4), by reason of contamination with insects and insect fragments, including tribolium, sawtoothed grain beetles, confused flour beetles, grain borers, flat grain beetles, granary weevils, and larvae and insect-damaged kernels of wheat, and by reason of being held under insanitary conditions at the defendants' grain storage facility at Eads, Colo.

It was alleged further that the insanitary conditions resulted from and consisted of the following: live and dead insects located in the bins, dead granary weevils on the driveway floors and along the wall interstices in the dump pit area, bird and insect trails on the rafters in the headhouse, and a dead mouse which had not been removed from a trap.

It was alleged further that the defendants were well aware that their activities were in violation of the Act; that several inspections of the grain storage facility at Eads, Colo., had been made by inspectors of the Food and Drug Administration; that in 1960 and in 1961 insect and rodent infestation was readily visible; that during an inspection on 2-16-62, it was noted that the rodent infestation was no longer a serious problem but the defendants had not controlled the insect infestation; that the defendants had been aware that wheat for human consumption was being stored under insanitary conditions; and that despite the warnings conveyed to the defendants by the inspections, the defendants had failed to correct the insanitary conditions at the grain storage facility and continued to ship in interstate commerce, wheat adulterated as specified above.

DISPOSITION: On 9-11-62, the defendants having consented, the court entered a decree of permanent injunction enjoining the defendants from directly or indirectly introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, wheat for human consumption and any similar article of food held at the defendants' grain storage facilities at Eads, Colo., unless and until: the grain storage facility was thoroughly cleaned and renovated and rendered suitable for use in connection with the storage of wheat for human consumption and any similar article of food, namely, unless and until all insect filth was removed from the grain storage facility; all insect, rodent, or other infestation in and about the grain storage facility was eliminated; the means of ingress and egress of the grain storage facility by insects or rodents were closed; and any similar insanitary conditions which might result in wheat for human consumption and any similar article of food being contaminated with filth while held at the grain storage facility were eliminated; and all of the wheat which was on hand at the grain storage facility at the time the grain storage facility was cleaned, renovated, and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal feed, or cleaned or otherwise brought into compliance with the law under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and thus brought into compliance with the provisions of the Act.

28411. Wheat. (F.D.C. No. 47463. S. No. 34-794 T.)

QUANTITY: 110,000 lbs. at Minneapolis, Minn.

SHIPPED: 3-26-62, from Richey, Mont., by Farmers Union Trading Association.

LIBELED: 4-23-62, Dist. Minn.