

SHIPPED: Between 9-11-58 and 10-10-58, from Gering, Nebr., and Kansas City, Mo.

LIBELED: 1-5-59, Dist. Kans.

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

DISPOSITION: 4-10-59. Consent—claimed by Walter H. Nelson. Segregated; 2,142 lbs. denatured for use as animal feed.

28574. Dried pinto beans. (F.D.C. No. 48076. S. No. 90-841 T.)

QUANTITY: 24 100-lb. bags, at Greenville, Tex.

SHIPPED: On an unknown date, from Montana or Wyoming.

LIBELED: On or about 10-4-62, N. Dist. Tex.

CHARGE: 402(a) (3)—while held for sale, the article contained insects, insect larvae, and insect excreta.

DISPOSITION: 12-4-62. Default—delivered to a public institution for use as animal feed.

28575. Canned black-eyed peas. (F.D.C. No. 47994. S. No. 71-299 T.)

QUANTITY: 70 cases, each containing 48 15-oz. cans, at Oklahoma City, Okla.

SHIPPED: 5-30-62 and 6-18-62, from Athens, Tex., by Athens Canning Co.

LABEL IN PART: (Can) "HOMEFOLK BRAND GREEN FRESH SHELLED BLACK EYE PEAS packed by Athens Canning Company, Athens, Texas."

RESULTS OF INVESTIGATION: Examination showed that the article had an off-odor and flavor.

LIBELED: 8-23-62, W. Dist. Okla.

CHARGE: 402(a) (3)—the article was unfit for food when shipped.

DISPOSITION: 8-29-62. Default—delivered to a public institution for use as animal feed.

28576. Cabbage. (F.D.C. No. 48347. S. No. 33-485 V.)

QUANTITY: 140 50-lb. bags, at Chariton, Iowa.

SHIPPED: 10-23-62, from Hayward, Minn., to Kansas City, Mo., by Noland Bros., and reshipped to Chariton, Iowa.

LABEL IN PART: (Bag) "New Cabbage Produce of U.S.A."

LIBELED: 10-30-62, S. Dist. Iowa.

CHARGE: 402(a) (2) (B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, endrin, which was unsafe within the meaning of 408(a), since the quantity of such pesticide chemical on cabbage was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: On 11-8-62, Chariton Wholesale Grocery Co. of Chariton, Iowa, filed a claim and answer, and consented to the destruction of the article. On 11-9-62, the Government moved to dismiss the action and showed to the court that the claimant had consented to the immediate destruction of the article, and that the article had been destroyed. On 11-13-62, the court dismissed the action.

28577. Potatoes. (F.D.C. No. 48038. S. No. 82-545 T.)

QUANTITY: 900 50-lb. bags, at San Antonio, Tex.

SHIPPED: 9-11-62, from Winchester, Wash., by Sun-Glo Producers, Inc.