

**ALLEGED VIOLATIONS:** Between 11-19-60 and 8-25-61, while quantities of wheat cereal, peanuts, and mixed nuts were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to and infested with rodents and to be exposed to contamination by rodents, which acts caused the articles to become adulterated.

**CHARGE:** 402(a)(3)—the wheat cereal contained mouse pellets, urine, and hairs; and 402(a)(4)—the wheat cereal, peanuts, and mixed nuts were held under insanitary conditions.

**PLEA:** Not guilty.

**DISPOSITION:** The case was tried before the court on 1-28-63 and 1-29-63. The defendants were found guilty; and, on 3-4-63, Smith was placed on probation for 5 years and the corporation was fined \$3,000.

**28724. Unpopped popcorn.** (F.D.C. No. 48453. S. Nos. 55-963 V, 55-965 V.)

**QUANTITY:** 95 50-lb. bags of yellow popcorn; 43 cases of 12 2-lb. bags, 2 cases of 6 4-lb. bags, and 21 cases containing an undetermined number of 2- and 4-lb. bags of yellow and white popcorn, at Kansas City, Mo.

**SHIPPED:** Between 7-19-62 and 9-1-62, from Hamburg, Iowa.

**LIBELED:** On or about 11-29-62, W. Dist. Mo.

**CHARGE:** 402(a)(3)—contained insects and insect larvae while held for sale.

**DISPOSITION:** 1-17-63. Default—delivered to a public institution for use as animal feed.

**28725. Unpopped popcorn (2 seizure actions).** (F.D.C. Nos. 45600, 45789. S. Nos. 19-930 R, 46-628 R.)

**QUANTITY:** 70,000 lbs. and 33,660 lbs. at Middlebury, Ind.

**SHIPPED:** 3-2-61 and 3-18-61, from Shawneetown, Ill., by Wanberg Popcorn Co.

**LIBELED:** 3-27-61 and 5-4-61, N. Dist. Ind.

**CHARGE:** 402(a)(3)—when shipped, contained rodent urine, rodent excreta pellets, rodent hairs, rodent-gnawed kernels, and insect fragments (70,000-lb. lot); and rodent-gnawed kernels and insect-damaged kernels (33,660-lb. lot); and 402(a)(4)—prepared and packed under insanitary conditions.

**DISPOSITION:** The articles were claimed by the Wanberg Popcorn Co., and the two cases were consolidated on 7-6-61. Government filed written interrogatories on 11-30-61. On 10-24-62, a consent decree was entered and the articles were converted for use as animal feed.

**28726. Rice.** (F.D.C. No. 48467. S. No. 34-106 V.)

**QUANTITY:** 270 100-lb. bags at Onamia, Minn.

**SHIPPED:** 4-3-62, from Abbeville, La.

**LIBELED:** 12-12-62, Dist. Minn.

**CHARGE:** 402(a)(3)—contained rodent urine and rodent excreta while held for sale.

**DISPOSITION:** 1-7-63. Consent—claimed by Mille Lacs Maple Products Corp., St. Paul, Minn. Segregated; 6,700 lbs. converted into animal feed.

**28727. Rice.** (F.D.C. No. 48591. S. No. 2-273 V.)

**QUANTITY:** 118 100-lb. bags at Atlanta, Ga., in possession of G. B. Sawyer Co.