

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.

SHIPPED: 10-22-62, from Memphis, Tenn.

LIBELED: 1-4-63, N. Dist. Ga.

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

DISPOSITION: 1-11-63. Consent—claimed by G. B. Sawyer Co., and denatured for use as animal feed.

28728. Rice. (F.D.C. No. 48479. S. No. 33-605 V.)

QUANTITY: 57 100-lb. bags at St. Paul, Minn.

SHIPPED: 3-7-62, from Jonesboro, Ark.

LIBELED: 12-14-62, Dist. Minn.

CHARGE: 402(a)(3)—contained insect larvae, insect cast skins, and insect fragments while held for sale.

DISPOSITION: 1-29-63. Default—destruction.

28729. Rice. (F.D.C. No. 48673. S. No. 50-041 V.)

QUANTITY: 24 100-lb. bags at Sacramento, Calif., in possession of North American Food Distributing Co.

SHIPPED: 11-2-62, from Houston, Tex.

LIBELED: 1-16-63, N. Dist. Calif.

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

DISPOSITION: 2-27-63. Default—destruction.

28730. Milo maize. (F.D.C. No. 47093. S. No. 49-438 R.)

INFORMATION FILED: 7-30-62, N. Dist. Tex., against DeKalb Agricultural Association, Inc., Lubbock, Tex., and Archie R. Campbell, plant manager.

SHIPPED: 5-17-61, from Lubbock, Tex., to Hobbs, N. Mex.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and it bore or contained the pesticide chemical, captan, which was unsafe within the meaning of 408(a), and no tolerance or exemption for captan in or on grain sorghum (milo maize) had been prescribed by regulations; and the article also bore or contained the pesticide chemical, heptachlor, which was unsafe within the meaning of 408(a) since the quantity of heptachlor in and on the food was in excess of the zero tolerance for heptachlor in and on grain sorghum (milo maize) prescribed by regulations.

PLEA: Nolo contendere.

DISPOSITION: 10-29-62. Corporation—\$500 fine; individual—probation for 1 year.

28731. Crimped oats. (F.D.C. No. 48158. S. No. 23-067 T.)

INFORMATION FILED: 12-26-62, Dist. N. Mex., against Roswell Trading Co., a corporation, Roswell, N. Mex., and Judson Goodart, president, and Frank Estes, t/a E. & E. Pest Control, Roswell, N. Mex.

ALLEGED VIOLATIONS: Between 11-4-61 and 1-9-62, while crimped oats were being held for sale after shipment in interstate commerce, the defendants caused a rodenticide, a poisonous chemical substance, to be placed in close proximity to the crimped oats under conditions whereby the crimped oats were exposed to contamination by the rodenticide, which act resulted in the article being adulterated.