

the assessment of costs, the court vacated the temporary restraining order and dismissed the action with prejudice and upon the merits and without costs to any of the parties.

28823. Wheat. (F.D.C. No. 45630. S. No. 65-967 R.)

QUANTITY: 120,000 lbs. at Alton, Ill.

SHIPPED: 3-29-61, from Minneapolis, Minn., by Russell-Miller Milling Co.

LIBELED: 4-14-61, S. Dist. Ill.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-1-61. Consent—claimed by Farmers Elevator Co., McClusky, N. Dak., and reconditioned.

28824. Wheat. (F.D.C. No. 47494. S. No. 74-805 T.)

QUANTITY: 50 tons, at San Francisco, Calif., in possession of Port of San Francisco Grain Terminals, Inc.

SHIPPED: Between 5-1-61 and 9-1-61, from Julesburg, Colo., Selden, Kans., and Corcoran, Calif.

LIBELED: 5-15-62, N. Dist. Calif.

CHARGE: 402(a) (3)—contained bird excreta, bird feathers, and sour, moldy wheat; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 6-26-62. Consent—claimed by Kerr Grain Corp., Portland, Oreg., and reconditioned.

28825. Wheat. (F.D.C. No. 47808. S. No. 72-225 T.)

QUANTITY: 120,000 lbs. at Cincinnati, Ohio.

SHIPPED: 7-9-62, from Connersville, Ind., by Indiana Grain Cooperative, Inc.

LIBELED: 7-24-62, S. Dist. Ohio.

CHARGE: 402(a) (2) (B)—when shipped, the article contained a pesticide chemical, namely, a mercurial compound, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat had been prescribed by regulations.

DISPOSITION: 6-7-63. Consent—claimed by Fayette County Farm Bureau Cooperative Association, Inc., and destroyed.

28826. Wheat. (F.D.C. No. 47809. S. No. 72-226 T.)

QUANTITY: 120,800 lbs. at Cincinnati, Ohio.

SHIPPED: 7-9-62, from Connersville, Ind., by Indiana Grain Cooperative, Inc.

LIBELED: 7-24-62, S. Dist. Ohio.

CHARGE: 402(a) (2) (B)—when shipped, the article contained a pesticide chemical, namely, a mercurial compound, which was unsafe under 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat had been prescribed by regulations.

DISPOSITION: 8-16-62; decree amended 6-7-63. Consent—claimed by Fayette County Farm Bureau Cooperative Association, Inc., and destroyed.

28827. Wheat. (F.D.C. No. 48689. S. No. 35-903 V.)

QUANTITY: 102,600 lbs. at Superior, Wis.

SHIPPED: 1-17-63, from Lansford, N. Dak., by Peavey Occident.

LIBELED: 1-29-63, W. Dist. Wis.