

30516. Rice. (F.D.C. No. 51730. S. Nos. 94-552/4 B.)

QUANTITY: 37 100-lb. bags, and 14 25-lb. bags, at Toledo, Ohio, in possession of Toledo Terminal Warehouse, Inc.

SHIPPED: Between 12-14-62 and 4-14-65, from Memphis, Tenn.

LIBELED: 11-24-65, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects, insect parts, and (100-lb. bags) insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: The articles were claimed by Rivianna Foods, Inc., Memphis, Tenn., and a consent decree of condemnation was entered on 1-9-66, providing for denaturing the articles. Since the claimant abandoned its right under the consent decree on 1-17-66 a default decree was entered ordering destruction of the goods.

30517. Wheat. (Inj. No. 501.)

COMPLAINT FOR INJUNCTION FILED: 1-11-65, Dist. N. Dak., against Lamb Elevator Corp., Michigan, N. Dak., R. F. Lamb, president, and A. C. Lamb, manager.

CHARGE: The complaint for injunction alleged that the defendants were engaged in operating at Michigan, N. Dak., a grain storage facility consisting of two wooden crib-type elevators without concrete foundations, for the storage and distribution of wheat for human consumption, and that the defendants were shipping in interstate commerce wheat which was adulterated within the meaning of 402(a)(3) and 402(a)(4), in that the wheat consisted in part of a filthy substance by reason of the presence in the wheat of rodent excreta pellets and rodent urine, and was being held at the defendants' grain storage facility at Michigan, N. Dak., under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions of the defendants' grain storage facility at Michigan, N. Dak., resulted from and consisted of the following:

(A) In the elevator designated as the East House:

- (1) Several rodent entryways visible from the outside of the elevator;
- (2) Wooden sheeting of the elevator which has been rodent gnawed;
- (3) A heavy concentration of rodent excreta pellets on the main floor of the elevator and in some areas of the main floor as many as 200 pellets per square foot;
- (4) Sacks of screenings stored on the main floor which are covered with rodent excreta pellets; and
- (5) Rodent tracks in the surface of 6 of the 17 bins in the elevator.

(B) In the elevator designated as the West House:

- (1) Several rodent entryways visible from the outside of the elevator;
- (2) Wooden sheeting of the elevator which has been rodent gnawed;
- (3) A heavy concentration of rodent excreta pellets on the main floor as many as 200 pellets per square foot;
- (4) A heavy concentration of rodent excreta pellets on catwalks above several of the bins;
- (5) Spring-type traps which contained approximately 10 dead rodents each on a catwalk above the bin designated as #31;
- (6) Rodent tracks on the surface of each of the 17 bins in the elevator;
- (7) Live mice in some bins;