

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;

- (8) Rodent excreta pellets in the wheat in the 13 of the 17 bins to which access for investigation could be obtained, with a range estimated at from 25 pellets per square foot to 100 pellets per square foot along the perimeter of the bins, and a proportionately higher number in the corners of most bins; and
- (9) Rodent nests in 3 bins.

DISPOSITION: On 1-11-65, a temporary restraining order was issued by the court. On 4-8-65, after a hearing by the court, a preliminary injunction was entered which, until further order of the court, enjoined the defendants from directly or indirectly: (1) introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce in violation of the Act wheat for human consumption, and any similar article of food held at the defendants' grain storage facility at Michigan, N. Dak., unless and until:

- (a) the elevators were thoroughly cleaned and renovated and rendered suitable for use in connection with the storage of wheat for human consumption and any similar article of food, namely, unless and until all rodent filth was removed from the elevators; all rodent infestation in and about the elevators was eliminated; the means of ingress and egress of the elevators by rodents were closed; and any similar insanitary conditions which might result in contamination of wheat for human consumption or any similar articles of food while held at the elevators were eliminated, and
  - (b) all of the wheat which was on hand at the elevators at the time the elevators were cleaned, renovated and rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal food, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and thus brought into compliance with the provisions of the Act;
- (2) introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce in violation of the Act wheat for human consumption and any similar article of food which was adulterated within the meaning of 402(a)(3), in that it consisted in part of a filthy substance, and within the meaning of 402(a)(4), in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

30518. Wheat. (F.D.C. No. 51474. S. No. 9-319 B.)

QUANTITY: 120,000 lbs. at Spokane, Wash.

SHIPPED: 7-28-65, from Wyndmere, N. Dak., by Farmers Grain & Fuel Co.

LIBELED: 8-12-65, E. Dist. Wash.

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

DISPOSITION: 8-23-65. Consent—claimed by Bunge Corp., New York, N.Y., and denatured.

30519. Wheat. (F.D.C. No. 51471. S. Nos. 10-139/40 B.)

QUANTITY: 221,000 lbs. at Spokane, Wash.

SHIPPED: 7-21-65, from Linton, N. Dak., by Farmers Elevator Co.

LIBELED: 8-5-65, E. Dist. Wash.