

LIBELED: 2-12-59, E. Dist. N.C.

CHARGE: 402(a) (3)—contained insects and rodent hairs while held for sale.

DISPOSITION: 4-30-59. Default—destruction.

25466. Rice. (F.D.C. No. 42935. S. Nos. 38-846/52 P.)

QUANTITY: 71 50-lb. bags and 596 100-lb. bags at Fresno, Calif., in possession of Colonial Van & Storage Co.

SHIPPED: Between 12-16-57 and 2-27-59, from Stuttgart, Ark., and Houston, Tex.

LIBELED: 4-14-59, S. Dist. Calif.

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

DISPOSITION: 5-12-59 and 5-28-59. Martin Berberian, t/a Marbro Food Products, Fresno, Calif., having appeared as claimant for 300 100-lb. bags of the article, and Ed Otani, t/a San Joaquin Mercantile Co., Reedley, Calif., having appeared as claimant for the remainder of the article, and the claimants having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the articles be released under bond for the purpose of segregating the good portion from the bad. As a result of the segregation operations, 71 50-lb. bags and 193 100-lb. bags were found unfit and were denatured for use as animal feed.

25467. Rice. (F.D.C. No. 42867. S. No. 48-062 P.)

QUANTITY: 13 100-lb. bags at South Boston, Mass.

SHIPPED: 3-26-58, from Houston, Tex.

LIBELED: 3-3-59, Dist. Mass.

CHARGE: 402(a) (3)—contained insect larvae and rodent excreta pellets while held for sale.

DISPOSITION: 4-30-59. Default—delivered to a public institution, for use as animal feed.

25468. Wheat. (Inj. No. 320.)

COMPLAINT FOR INJUNCTION FILED: 11-22-57, W. Dist. Okla., against Kaw Grain Co., Inc., Kaw City, Okla., and Edward Johnston, president, and Paul Johnston, vice president.

CHARGE: The complaint alleged that the defendants were engaged in operating a grain elevator for the storage and distribution of wheat for human consumption, and that the defendants were causing to be introduced into interstate commerce, at Kaw City, Okla., wheat which was adulterated within the meaning of 402(a) (4) by reason of being held under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the storage of wheat in bins which were accessible to rodents and birds; the presence of insects, bird excreta, and rodent excreta pellets in the wheat; rodent excreta pellets and live insects in various parts of the elevator and bins; unscreened windows in the elevator; live birds and bird excreta droppings in the headhouse of the elevator; live rats and rat burrows around the foundations of the elevator; and accumulations of dust and old grain in the elevator.

The complaint alleged further that the defendants were well aware that their activities were violative of the Act; that various inspections had been