

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.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.
DISPOSITION: 2-18-63. Consent—claimed by Peavey Co., and denatured.

28828. Wheat. (F.D.C. No. 48708. S. No. 34-827 V.)

QUANTITY: 108,000 lbs., at Minneapolis, Minn.

SHIPPED: 2-11-63, from Hankinson, N. Dak., by Cargill, Inc.

LIBELED: 2-20-63, Dist. Minn.

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

DISPOSITION: 2-27-63. Consent—claimed by Cargill, Inc., and denatured.

28829. Wheat. (F.D.C. No. 48713. S. No. 33-517 V.)

QUANTITY: 127,800 lbs., at Minneapolis, Minn.

SHIPPED: 2-7-63, from Kindred, N. Dak., by Kindred Farmers Elevator Co.

LIBELED: 2-25-63, Dist. Minn.

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

DISPOSITION: 2-27-63. Consent—claimed by Kindred Farmers Elevator Co., and denatured.

28830. Rice. (F.D.C. No. 48463. S. No. 49-483 V.)

QUANTITY: 91 100-lb. bags, at San Francisco, Calif., in possession of C. E. Grosjean Rice Milling Co.

SHIPPED: 9-13-62, from Houston, Tex.

LIBELED: 11-27-62, N. Dist. Calif.

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

DISPOSITION: 1-7-63. Consent—claimed by C. E. Grosjean Rice Milling Co. Segregated; 6,050 lbs. denatured.

28831. Rice. (F.D.C. No. 48149. S. Nos. 21-291 T. 39-600 T.)

INFORMATION FILED: 11-20-62, S. Dist. Calif., against Cal-Oro Rice Growers, Inc., Dos Palos, Calif., and Edward R. Lewis, secretary-treasurer and general manager:

SHIPPED: 3-25-62 and 3-28-62, from California to Colorado and Puerto Rico.

LABEL IN PART: (Bag) "NEW CROP, EXTRA FANCY, BOTAN, RICE, JAPAN FOOD CORPORATION, 25 LBS. NET WEIGHT"; "EXTRA FANCY, U.1 S., NOT OVER 4% BROKEN, ARROZ DE CALIFORNIA, PUEBLO, ARROZ PERLA, EMPACADO PARA, PUEBLO SUPERMARKETS, INC., 3 LIBRAS NETAS."

CHARGE: 402(a)(3)—contained insect parts, rodent hairs and rodent excreta; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

PLEA: Nolo contendere by the corporation to both counts of the information, and by Lewis to count 1.

DISPOSITION: 2-25-63. Corporation fined \$1,000 and individual fined \$100; each defendant also placed on probation for 1 year.

28832. Rice, grits, and salt. (F.D.C. No. 47878. S. Nos. 2-265 R, 2-676 R, 54-692/3 T.)

INFORMATION FILED: 11-28-62, E. Dist. S.C., against Charles F. Black, Bamberg, S.C.