

The complaint alleged also that despite the warnings conveyed to the defendants by the aforesaid inspection, the defendants had failed to correct the insanitary conditions at the House No. 2 elevator and the Annex structure and continued to introduce and cause to be introduced into interstate commerce, wheat and barley adulterated as specified above.

DISPOSITION: On 12-13-62, a temporary restraining order was entered restraining the defendants from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, wheat and barley 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; or from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, wheat and barley for human consumption and any similar article of food held at defendants' wooden crib-type grain elevator designated as House No. 2 and wooden double-walled grain-storage structure adjacent thereto designated the Annex, at Englevale, N. Dak., unless and until (a) the House No. 2 elevator and the said Annex structure were thoroughly cleaned or renovated and rendered suitable for use in connection with the storage of wheat and barley for human consumption and any similar article of food, to wit, unless and until all rodents and rodent filth were removed from the House No. 2 elevator and the Annex structure; the equipment used in storing such food was cleaned; all rodent infestation in and about the House No. 2 elevator and the Annex structure was eliminated; the means of ingress and egress of the House No. 2 elevator and the Annex structure by rodents was closed; and any similar insanitary conditions which might result in wheat or barley for human consumption or any similar article being contaminated with filth while held at the House No. 2 elevator and the Annex structure were eliminated; and (b) all of the wheat and barley which was on hand at the House No. 2 elevator and the Annex structure at the time the House No. 2 elevator and the Annex structure was cleaned, renovated, and rendered suitable for the storage of food for human consumption was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration, and all expenses of such supervision were paid by the defendants. Thereafter, the temporary restraining order was continued in effect until 4-1-63, and in accordance with the terms of a proposal dated 1-22-63, and an amended proposal dated 3-14-63, entered by the defendants, the contaminated grain stored in the facility was disposed of for animal feed under the supervision of the Food and Drug Administration.

29822. Wheat. (F.D.C. No. 48790. S. No. 83-212 V.)

QUANTITY: 123,000 lbs. at Minneapolis, Minn.

SHIPPED: 5-6-63, from Armourdale, N. Dak., by Armourdale Equity Elevator.

LIBELED: 5-31-63, Dist. Minn.

CHARGE: 402(a)(2)(B)—when shipped, the article contained a pesticide chemical, 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: 6-27-63. Consent—claimed by Armourdale Equity Elevator. Reconditioned and segregated; 13,070 lbs. destroyed.

29823. Wheat. (F.D.C. No. 49316. S. No. 34-909 X.)

QUANTITY: 123,067 lbs. at Minneapolis, Minn.

SHIPPED: 8-21-63, from Linton, N. Dak., by Farmers Elevator Co., of Linton.

LIBELED: 9-13-63, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy wheat when shipped.

DISPOSITION: 9-18-63. Consent—claimed by Farmers Elevator Co., of Linton.

After the claimant had conducted a feeding test on poultry, the article was converted into poultry feed.

29824. Wheat. (F.D.C. No. 49606. S. No. 69-927 A.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 1-4-64, from New Town, N. Dak., by New Town Grain Co.

LIBELED: 1-23-64, Dist. Minn.

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

DISPOSITION: 1-29-64. Consent—claimed by New Town Grain Co., and reconditioned.

29825. Wheat. (F.D.C. No. 49794. S. No. 103-803 A.)

QUANTITY: 82,180 lbs. at Spokane, Wash.

SHIPPED: 12-18-63, from Choteau, Mont., by Sims Elevator Co.

LIBELED: 2-5-64, E. Dist. Wash.

CHARGE: 402(a)(3)—when shipped, contained moldy, musty wheat; 402(b)(2)—stones had been substituted for wheat; and 402(b)(4)—stones had been added, mixed, or packed with the article so as to increase its bulk or weight.

DISPOSITION: 2-17-64. Consent—claimed by Coast Trading Co., Spokane, Wash., and denatured.

29826. Wheat. (F.D.C. No. 49612. S. No. 39-112 A.)

QUANTITY: 27,600 lbs. at Enid, Okla.

SHIPPED: 1-21-64, from Anthony, Kans., by Anthony Cooperative.

LIBELED: 1-27-64, W. Dist. Okla.

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

DISPOSITION: 2-28-64. Consent—claimed by Anthony Farmers Cooperative Co., Anthony, Kans., and denatured for use as animal feed.

29827. Wheat. (F.D.C. No. 49841. S. No. 103-320 A.)

QUANTITY: 89,750 lbs. at Malden, Wash.

SHIPPED: 2-25-64, from Suffolk, Mont., by Montana Elevator Co.

LIBELED: 3-16-64, E. Dist. Wash.

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

DISPOSITION: 3-25-64. Consent—claimed by Lees, Carney & Co., Portland, Oreg., and denatured for use as animal feed.

29828. Wheat. (F.D.C. No. 50051. S. No. 103-328 A.)

QUANTITY: 85,000 lbs., at Spokane, Wash.

SHIPPED: 4-3-64, from Rudyard, Mont., by General Mills, Inc.