

**30167. Dried Great Northern beans.** (F.D.C. No. 50792. S. Nos. 96-308 A, 96-919 A.)

**INFORMATION FILED:** 3-26-65, Dist. Idaho, against Bean Growers Warehouse Association, Inc., Filer, Idaho, and John P. Smith, general manager and treasurer, Lyman C. Caughey, warehouse manager at Buhl, Idaho, and Merle R. Allison, warehouse manager at Filer, Idaho.

**SHIPPED:** 1-31-64, from Filer, Idaho, to Santa Clara, Calif., and 1-28-64, from Buhl, Idaho, to Santa Clara, Calif.

**LABEL IN PART:** (Bags) "Outwest Brand Idaho Great Northern Beans Packed by Bean Growers Whse. Assn. Inc. Twin Falls, Idaho."

**CHARGE:** 402(a)(3)—when shipped, contained urine; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

**PLEA:** Guilty by the corporation and Smith to 2 counts each, and by Caughey and Allison to 1 count each.

**DISPOSITION:** 5-10-65. Corporation—\$400 fine, Smith—\$200 fine, Caughey—\$100 fine, and Allison—\$100 fine.

**30168. Endive.** (F.D.C. No. 49690. S. Nos. 1-240 R, 46-121 R, 3-139 V, 37-819 V.)

**INFORMATION FILED:** 3-19-64, S. Dist. Fla., against Gressinger & Sons, a partnership, Belle Glade, Fla.

**SHIPPED:** Between 1-31-61 and 12-3-62, from Florida to Connecticut, Georgia, Alabama, and West Virginia.

**LABEL IN PART:** (Crate) "4 Brothers Quality Vegetables Gressinger & Sons Hartville, Ohio—Belle Glade, Florida."

**CHARGE:** 402(a)(2)(B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, parathion, which was unsafe under 408(a) since the quantity of such pesticide chemical on endive was not within the limits of the tolerance prescribed by regulations.

**PLEA:** Not guilty which plea was subsequently changed to guilty.

**DISPOSITION:** On 4-17-64, the defendant filed a motion to dismiss all counts on the grounds that (1) the offenses alleged in such counts were only one offense which had been improperly split up into separate counts; or, in the alternative, that the Government be required to elect which count it intended to prosecute; (2) that the offenses charged were so vague, indefinite, and uncertain that a conviction or acquittal would not protect the defendant from future prosecution for the same offense and transaction; and (3) that each count charged two distinct violations or, in the alternative, that the Government be required to elect which of the two distinct violations it intended to prosecute.

On 4-17-64, the defendant also filed a motion for a bill of particulars, and a motion for discovery and inspection of the bills of lading and sample quantities of the endive involved. A subpoena for production of certain chemists' reports was also filed by the defendant.

On 5-4-64, a hearing was held on the defendant's motions.

On 6-15-64, the court entered an order pursuant to which the defendant's motion to dismiss was denied, its motion for a bill of particulars was granted in part and denied in part, and defendant's motion for discovery and inspection was granted.

The court also granted the Government's motion to quash the defendant's subpoena for chemists' records.

On 7-31-64, the defendant changed its plea to guilty. On 7-31-64 the defendant was fined \$4,000.