

A. it was clearly established that said vegetables did not bear or contain  
(i) any traces of an unsafe pesticide chemical for which no tolerance had  
been established by regulation, or

(ii) any quantity of any unsafe pesticide chemical in excess of the  
established tolerance for such pesticide chemical on the vegetable;

B. records were maintained which showed the number and times of appli-  
cation of endrin and any other pesticide chemical including the formula and/or  
amounts and proportions of each of the chemicals used, the products so treated,  
and the method of application to each product;

C. an individual, qualified by training in the uses and natures of pesticide  
chemicals, including a knowledge of the uses of such chemicals registered  
with the United States Department of Agriculture, was employed to advise  
and supervise the uses made by the defendant of all pesticide chemicals; and

D. representatives of the Food and Drug Administration were given free  
access to inspect the records relating to the use of pesticide chemicals.

A hearing was held before the court on 1-9-63, the restraining order having  
expired. The defendant did not appear at the hearing and the court entered  
a temporary injunction incorporating the terms of the restraining order.

On 2-13-63, the defendant having consented to the entry of such a decree, a  
decree of permanent injunction was entered enjoining the defendant as set  
forth above.

**29467. Dried white corn. (F.D.C. No. 49457. S. Nos. 32-626 X, 32-633 X.)**

QUANTITY: 77 100-lb. bags of white corn at Oxnard, Calif., in possession of  
La Central Bakery.

SHIPPED: Prior to 10-10-63, from the State of Kansas.

LIBELED: 11-20-63, S. Dist. Calif.

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

DISPOSITION: 12-30-63. Default destruction.

**29468. Dried black-eyed peas and dried red beans. (F.D.C. No. 46294. S. Nos.  
95-927/8 R.)**

QUANTITY: 192 100-lb. bags of dried black-eyed peas, and 21 100-lb. bags of  
dried red beans, at Denton, Tex.

SHIPPED: Between 2-27-61 and 7-3-61, from California, and Mountainair, N.  
Mex.

LIBELED: 8-15-61, E. Dist. Tex.

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

DISPOSITION: 10-17-61. Consent—claimed by Whitson Food Processing Co.,  
Denton, Tex., for use as seed and/or animal feed.

**29469. Soybeans. (F.D.C. No. 49720. S. No. 53-864 X.)**

QUANTITY: 200 100-lb. bags at Portland, Oreg., in possession of Porter-Scar-  
pelli Macaroni Co.

SHIPPED: 12-10-62, from Stuttgart and Little Rock, Ark.

LIBELED: 1-17-64, Dist. Oreg.

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

DISPOSITION: 2-28-64. Consent—claimed by Porter-Scarpelli Macaroni Co. of Portland, Oreg. Segregated; 60 bags denatured.

29470. Dried pinto beans. (F.D.C. No. 49837. S. No. 96-921 A.)

QUANTITY: 20 100-lb. bags at Sacramento, Calif., in possession of Bert McDowell Grocery Co.

SHIPPED: 1-29-64, from Buhl, Idaho.

LIBELED: 3-17-64, N. Dist. Calif.

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

DISPOSITION: 3-26-64. Consent—destruction.

29471. Dried Great Northern beans. (F.D.C. No. 49555. S. Nos. 47-585/6 X.)

QUANTITY: 25 100-lb. bags of beans at Springfield, Mo., in possession of Finkbiner Transfer & Storage Co.

SHIPPED: 12-26-62, from outside the State of Missouri.

LIBELED: 12-5-63, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insect filth and insect-damaged beans; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-3-64. Default—destruction.

29472. Cucumbers in brine. (F.D.C. No. 48560. S. No. 79-771 T.)

INFORMATION FILED: 6-11-63, Dist. Minn., against Pa Wray Pickle Co., Inc., Minneapolis, Minn., and John E. McNulty, president.

ALLEGED VIOLATION: Between 8-30-61 and 8-30-62, while a quantity of cucumbers were being held for sale after shipment in interstate commerce, the defendants caused the article to be held in a tank that was accessible to insects, rodents, and birds and to be exposed to contamination by insects, rodents, and birds, which act resulted in the article being adulterated.

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

PLEA: Guilty.

DISPOSITION: 3-30-64. Corporation—\$150 fine; individual—\$150 fine.

29473. Cucumbers in brine. (F.D.C. No. 49366. S. No. 6-052 X.)

QUANTITY: 1,000 bushels, at Swansea, Mass., in possession of Star Pickling Corp.

SHIPPED: 7-18-63 and 7-24-63, from Landisville, N.J.

LIBELED: 10-1-63, Dist. Mass.

CHARGE: 402(a)(3)—contained *Drosophila* flies and other insects; and 402(a)(4)—prepared and held under insanitary conditions.

DISPOSITION: 10-22-63. Consent—claimed by Star Pickling Corp., and reconditioned.

#### TOMATOES AND TOMATO PRODUCTS

29474. Canned tomatoes. (F.D.C. No. 49505. S. No. 7-719 X.)

QUANTITY: 238 cases, each containing 24 1-lb. cans, at Watertown, Mass.

SHIPPED: 8-29-63, from Harmony, Md., by A. N. Faulkner & Co.