

were being stored under insanitary conditions in the warehouse; and that despite the warnings conveyed to the defendant by the inspections, the defendant had failed to correct the insanitary conditions at the warehouse and continued to ship in interstate commerce, beans which were adulterated as specified above.

DISPOSITION: On 7-5-62, the defendant having consented, the court entered a decree of permanently enjoining the defendant from directly or indirectly introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce in violation of the law, beans for human consumption, and any similar article of food then held at the defendant's warehouse at Twin Falls, Idaho, unless and until: (a) the warehouse was thoroughly cleaned and renovated and rendered suitable for use in connection with the storage of beans for human consumption and any similar article of food, namely, unless and until all rodent and bird filth was removed from the warehouse; all rodent and bird infestation in and about the warehouse was eliminated; the means of ingress and egress of the warehouse by rodents and birds were closed; and any similar insanitary conditions which may result in beans for human consumption and any similar article of food being contaminated with filth while held at the warehouse were eliminated; and (b) all of the beans which were on hand at the warehouse at the time the warehouse was cleaned, renovated, and rendered suitable for the storage of food for human consumption were destroyed, denatured for use as animal feed or as seed, or cleaned, or otherwise brought into compliance with the law under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare and thus brought into compliance with the law.

The defendant was further permanently enjoined from directly or indirectly introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce in violation of the law, beans for human consumption and any similar article of food hereafter received and held by the defendant which food 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.

29156. Dried pinto beans. (F.D.C. No. 48770. S. No. 32-526 V.)

QUANTITY: 405 100-lb. bags, at Chula Vista, Calif.

SHIPPED: 4-22-63, from Buhl, Idaho, by Bean Growers Warehouse Association, Inc.

LABEL IN PART: (Bag) "OUTWEST BRAND IDAHO PINTO BEANS Packed by Bean Growers Whse. Assn., Inc., Twin Falls, Idaho."

LIBELED: 5-10-63, S. Dist. Calif.

CHARGE: 402(a)(4)—packed and held under insanitary conditions when shipped.

DISPOSITION: 9-13-63. Consent—claimed by Bean Growers Warehouse Association, Inc., of Twin Falls, Idaho; 21 bags converted into animal feed and the remainder denatured for seed use.

29157. Dried pinto beans. (F.D.C. No. 49145. S. No. 22-673 V.)

INFORMATION FILED: 9-16-63, Dist. Colo., against Max M. Osborn, -t/a Osborn Bean & Elevator Co., Fruita, Colo.

SHIPPED: Between 3-12-63 and 3-29-63, from Colorado to New Mexico.
LABEL IN PART: (Bag) "100 Lbs. Net Weight * * * Recleaned Pinto Beans * * * Packed By Osborn Bean & Elevator Co. Fruita, Colorado."
CHARGE: 402(a)(3)—contained mammalian urine; and 402(a)(4)—packed and held under insanitary conditions.
PLEA: Nolo contendere.
DISPOSITION: 10-18-63. \$250 fine.

29158. Dried Great Northern beans and dried pinto beans. (F.D.C. No. 49035. S. No. 45-945/6 X.)

QUANTITY: 15 100-lb. bags at Jonesboro, Ark., in possession of Puryear Grocery Co.
SHIPPED: Between 11-24-62 and 4-4-63, from Morrill, Nebr.
LIBELED: 7-12-63, E. Dist. Ark.
CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.
DISPOSITION: 8-19-63. Default—delivered to a public institution for use as animal feed.

29159. Garbanzo beans. (F.D.C. No. 49211. S. No. 20-311 X.)

QUANTITY: 33 100-lb. bags, at Athens, Tex.
SHIPPED: 11-9-62, from West Los Angeles, Calif.
LIBELED: 7-30-63, E. Dist. Tex.
CHARGE: 402(a)(3)—contained insects, insect parts, and insect excreta while held for sale.
DISPOSITION: 9-4-63. Default—delivered to a public institution for use as animal feed.

29160. Canned butter beans and canned kidney beans. (F.D.C. No. 49130. S. Nos. 22-807 V, 36-319/20 V, 45-018 V.)

INFORMATION FILED: 9-12-63, E. Dist. Okla., against Baron Canning Co., a partnership, Westville, Okla., and Grover F. Howard, partner and manager.
SHIPPED: Between 10-17-62 and 10-20-62, from Oklahoma to Alabama, Illinois, and Colorado.
LABEL IN PART: (Can) "Steele's Butter Beans [or "Green & White Lima Beans"] Net Contents 15 Ounces Steele Canning Co., Packers & Distr., Springdale, Arkansas," "Happy Host Butter Beans Net Weight 15 Ozs. Avd. Distributed by The Cooter Company San Francisco, Calif.," "California's Nugget Brand Light Red Kidney Beans Net Contents 6 Lbs. 12 oz. Frank M. Wilson Company Distributors Stockton, Calif. Distributed Exclusively By Nugget Distributors."
CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.
PLEA: Nolo contendere.
DISPOSITION: 10-7-63. Each defendant fined \$50.

29161. Canned green beans. (F.D.C. No. 49347. S. No. 28-812 X.)

QUANTITY: 200 cases, each containing 24 15½-oz. cans, at Topeka, Kans.
SHIPPED: 2-3-63, from Warrensburg, Mo.