28542. Rice, nonfat dry milk, and bakery mixes. (F.D.C. No. 47844. S. Nos. 25-979 T, 25-986 T, 25-988/9 T.)

INFORMATION FILED: 8-31-62, N. Dist. Ohio, against Fortieth Street Warehouse, Inc., Cleveland, Ohio.

ALLEGED VIOLATIONS: Between 7-10-61 and 1-15-62, the defendant caused quantities of rice, nonfat dry milk, and bakery mixes, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents, and to be exposed to contamination by rodents, which act resulted in the articles being adulterated.

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

PLEA: Guilty.

DISPOSITION: 11-30-62. $4,000 fine.

28543. Barley. (F.D.C. No. 48025. S. Nos. 78-860 T, 79-298 T.)

QUANTITY: 104,650 lbs. at Minneapolis, Minn.

SHIPPED: 8-14-62, from McIntosh, S. Dak., by McIntosh Equity Exchange.

LIBELED: 9-12-62, Dist. Minn.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, 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 the pesticide chemical on barley had been prescribed by regulations.

DISPOSITION: 9-14-62. Consent—claimed by McIntosh Equity Exchange and reconditioned; 14,810 lbs. destroyed.

28544. Quick-cooking oats. (F.D.C. No. 46693. S. Nos. 55-747 R, 55-937 R.)

INFORMATION FILED: 3-7-62, W. Dist. Wash., against Carnation Co., a corporation, t/a Albers Milling Co., Seattle, Wash., and F. Bradley MacKenzie, director of quantity control, William R. Lacy, production superintendent, and James A. White, chief chemist.

SHIPPED: 3-8-61 and 3-10-61, from Washington to Oregon and Idaho.

LABEL IN PART: (Sacks) "Albers Peacock Quick Oats."

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

PLEA: Nolo contendere by the corporation to 2 counts of the information and by the individuals to 1 count.

DISPOSITION: 7-9-62. Corporation—$2,000 fine; each individual—$100 fine.

28545. Unpopped popcorn. (F.D.C. No. 48206. S. No. 1-880 T.)

QUANTITY: 133 50-lb. bags, at Atlanta, Ga.

SHIPPED: 4-2-62, from Murray, Ky., by Ellis Popcorn Co.

LABEL IN PART: (Bag) "Calloway County's Best Hybrid Yellow Popcorn Guaranteed to Pop Ellis Popcorn Co. Murray Ky."

LIBELED: 10-1-62, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insect larvae, insect pupae, and rodent excreta, when shipped and while held for sale.

DISPOSITION: 12-7-62. Default—destruction.