28546. Unpopped popcorn. (F.D.C. No. 47756. S. No. 22–303 T.)

QUANTITY: 205 100-lb. bags at Salt Lake City, Utah.

SHIPPED: 11–13–61, from Atchison, Kans.

LIBELED: 6–19–62, Dist. Utah.

CHARGE: 402(a)(3)—contained rodent-gnawed kernels and rodent urine while held for sale.

DISPOSITION: 8–28–62. Consent—claimed by F. A. Mangelsdorf Seed Co., of Atchison, Kans. Segregated; 53 100-lb. bags destroyed.

28547. Pancake mix. (F.D.C. No. 48133. S. No. 88–617 T.)

QUANTITY: 27 cases, each containing 24 8-oz. pkgs., at Atlanta, Ga.

SHIPPED: 4–10–61, from Miami, Fla.

LIBELED: 9–28–62, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 11–1–62. Default—destruction.

DAIRY PRODUCTS

BUTTER

28548. Butter. (F.D.C. No. 43766. S. No. 71–381 R.)

QUANTITY: 41 64-lb. boxes, at Minneapolis, Minn.

SHIPPED: 7–12–61, from Kenmare, N. Dak., by Farmers Union Creamery.

LIBELED: 8–17–61, Dist. Minn.

CHARGE: 402(a)(2)(A)—when shipped, the article consisted in part of an added deleterious substance, by reason of the presence of dieldrin, which was unsafe within the meaning of 406.

DISPOSITION: 9–18–61. Consent—claimed by Farmers Union Creamery, and released under bond to claimant at the warehouse of the consignee for reprocessing. Thereafter, 24 boxes of the article were reported to be missing from the possession of the consignee as the agent of the claimant. On 12–18–61, 17 boxes of the article were destroyed under the supervision of the Food and Drug Administration. Subsequently, the Government moved that the court declare forfeiture of the claimant's bond on the grounds that the terms of the bond were violated in that the claimant had failed to retain intact the entire lot, had sold or disposed of part of the butter under seizure in a manner contrary to the Act, and had disposed of a part of such butter without a written release, and before free access to the article had been had, by a representative of the Department of Health, Education, and Welfare. On 9–17–62, the court ordered that the $2,500 bond be forfeited.

28549. Butter. (F.D.C. No. 43753. S. No. 8–727 R.)

QUANTITY: 15 cases, each containing 32 1-lb. prints, at Troy, N.Y.

SHIPPED: 8–13–60, from Omaha, Nebr., by Harding Creamery.

LABEL IN PART: "Beverly Farms Brand Butter, 1 Pound Net, Packed by Sugar Creek Creamery Company, Division National Dairy Products Corporation, Danville, Illinois."

LIBELED: 8–29–60, N. Dist. N.Y.