ALLEGED VIOLATIONS: Between 11–19–60 and 8–25–61, while quantities of wheat cereal, peanuts, and mixed nuts were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to and infested with rodents and to be exposed to contamination by rodents, which acts caused the articles to become adulterated.

CHARGE: 402(a)(3)—the wheat cereal contained mouse pellets, urine, and hairs; and 402(a)(4)—the wheat cereal, peanuts, and mixed nuts were held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case was tried before the court on 1–28–63 and 1–29–63. The defendants were found guilty; and, on 3–4–63, Smith was placed on probation for 5 years and the corporation was fined $3,000.

28724. Unpopped popcorn. (F.D.C. No. 48453. S. Nos. 55–963 V, 55–965 V.)

QUANTITY: 95 50-lb. bags of yellow popcorn; 43 cases of 12 2-lb. bags, 2 cases of 6 4-lb. bags, and 21 cases containing an undetermined number of 2- and 4-lb. bags of yellow and white popcorn, at Kansas City, Mo.

SHIPPED: Between 7–19–62 and 9–1–62, from Hamburg, Iowa.

LIBELED: On or about 11–29–62, W. Dist. Mo.

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

DISPOSITION: 1–17–63. Default—delivered to a public institution for use as animal feed.

28725. Unpopped popcorn (2 seizure actions). (F.D.C. Nos. 45600, 45789. S. Nos. 19–930 R, 46–628 R.)

QUANTITY: 70,000 lbs. and 33,660 lbs. at Middlebury, Ind.

SHIPPED: 3–2–61 and 3–18–61, from Shawneetown, Ill., by Wanberg Popcorn Co.

LIBELED: 3–27–61 and 5–4–61, N. Dist. Ind.

CHARGE: 402(a)(3)—when shipped, contained rodent urine, rodent excreta pellets, rodent hairs, rodent-gnawed kernels, and insect fragments (70,000-lb. lot); and rodent-gnawed kernels and insect-damaged kernels (33,660-lb. lot); and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: The articles were claimed by the Wanberg Popcorn Co., and the two cases were consolidated on 7–6–61. Government filed written interrogatories on 11–30–61. On 10–24–62, a consent decree was entered and the articles were converted for use as animal feed.

28726. Rice. (F.D.C. No. 48467. S. No. 34–106 V.)

QUANTITY: 270 100-lb. bags at Onamia, Minn.

SHIPPED: 4–3–62, from Abbeville, La.

LIBELED: 12–12–62, Dist. Minn.

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

DISPOSITION: 1–7–63. Consent—claimed by Mille Lacs Maple Products Corp., St. Paul, Minn. Segregated; 6,700 lbs. converted into animal feed.

28727. Rice. (F.D.C. No. 48591. S. No. 2–273 V.)

QUANTITY: 118 100-lb. bags at Atlanta, Ga., in possession of G. B. Sawyer Co.