the assessment of costs, the court vacated the temporary restraining order and dismissed the action with prejudice and upon the merits and without costs to any of the parties.

28823. **Wheat.** (F.D.C. No. 45630. S. No. 65–967 R.)

QUANTITY: 120,000 lbs. at Alton, Ill.

SHIPPED: 3–29–61, from Minneapolis, Minn., by Russell-Miller Milling Co.

LIBELED: 4–14–61, S. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5–1–61. Consent—claimed by Farmers Elevator Co., McClusky, N. Dak., and reconditioned.

28824. **Wheat.** (F.D.C. No. 47494. S. No. 74–805 T.)

QUANTITY: 50 tons, at San Francisco, Calif., in possession of Port of San Francisco Grain Terminals, Inc.

SHIPPED: Between 5–1–61 and 9–1–61, from Julesburg, Colo., Selden, Kans., and Corcoran, Calif.

LIBELED: 5–15–62, N. Dist. Calif.

CHARGE: 402(a)(3)—contained bird excreta, bird feathers, and sour, moldy wheat; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6–26–62. Consent—claimed by Kerr Grain Corp., Portland, Oreg., and reconditioned.

28825. **Wheat.** (F.D.C. No. 47808. S. No. 72–225 T.)

QUANTITY: 120,000 lbs. at Cincinnati, Ohio.

SHIPPED: 7–9–62, from Connersville, Ind., by Indiana Grain Cooperative, Inc.

LIBELED: 7–24–62, S. Dist. Ohio.

CHARGE: 402(a)(2)(B)—when shipped, the article 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 such pesticide chemical on wheat had been prescribed by regulations.

DISPOSITION: 6–7–63. Consent—claimed by Fayette County Farm Bureau Cooperative Association, Inc., and destroyed.

28826. **Wheat.** (F.D.C. No. 47809. S. No. 72–226 T.)

QUANTITY: 120,800 lbs. at Cincinnati, Ohio.

SHIPPED: 7–9–62, from Connersville, Ind., by Indiana Grain Cooperative, Inc.

LIBELED: 7–24–62, S. Dist. Ohio.

CHARGE: 402(a)(2)(B)—when shipped, the article contained a pesticide chemical, namely, a mercurial compound, which was unsafe under 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat had been prescribed by regulations.

DISPOSITION: 8–16–62; decree amended 6–7–63. Consent—claimed by Fayette County Farm Bureau Cooperative Association, Inc., and destroyed.

28827. **Wheat.** (F.D.C. No. 48689. S. No. 35–903 V.)

QUANTITY: 102,600 lbs. at Superior, Wis.

SHIPPED: 1–17–63, from Lansford, N. Dak., by Peavey Occident.

LIBELED: 1–29–63, W. Dist. Wis.