

28916. Wheat. (F.D.C. No. 47763. S. No. 70-231 T.)

QUANTITY: 115,000 lbs., at Minneapolis, Minn.

SHIPPED: 5-25-62, from Holmquist, S. Dak., by Farmers Elevator Co.

LIBELED: 6-20-62, Dist. Minn.

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 for the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 6-22-62. Consent—claimed by Farmers Elevator Co., of Holmquist, S. Dak., and reconditioned by scouring; 40,200 lbs. destroyed.

28917. Unpopped popcorn and rice. (F.D.C. No. 44651. S. Nos. 13-865 P, 61-451 P, 61-456 P.)

INFORMATION FILED: 10-6-60, N. Dist. Ind., against Indiana Wholesale Food Supply Co., Inc., Gary, Ind., and Maurice Yonover, president.

ALLEGED VIOLATION: Between 10-28-57 and 8-13-59, the defendants caused quantities of popcorn and rice, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects, and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the popcorn contained adult insects and insect larvae, one lot of rice contained adult insects, insect pupae, insect larvae, and insect fragments, and a second lot of rice contained adult insects, insect pupae, insect larvae, and insect cast skins; and 402(a)(4)—all lots held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-10-61. Corporation—\$1,500 fine, plus costs; Yonover—\$1,500 fine.

28918. Unpopped popcorn. (F.D.C. No. 44882. S. Nos. 2-230/4 R.)

QUANTITY: 266 cases, each containing 24 1-lb. bags, and 143 cases, each containing 12 2-lb. bags of popcorn, at Charlotte, N.C.

SHIPPED: Between 8-25-59 and 3-18-60, from Ridgway, Ill., and Nashville, Tenn.

LIBELED: 9-12-60, W. Dist. N.C.

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

DISPOSITION: 10-18-60. Default—destruction.

28919. Rice. (F.D.C. No. 48840. S. No. 75 V.)

QUANTITY: 50 25-lb. bags, at Winston-Salem, N.C., in possession of Clyde L. Foy Co.

SHIPPED: 1-28-63, from Memphis, Tenn.

LIBELED: 4-5-63, M. Dist. N.C.

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

DISPOSITION: 5-2-63. Default—destruction.

28920. Rice. (F.D.C. No. 47975. S. Nos. 58-774 T, 83-291 T.)

QUANTITY: 26 100-lb. bags and 19 25-lb. bags at Wichita, Kans

SHIPPED: 6-14-62, from Stuttgart, Ark.

LIBELED: On or about 9-14-62, Dist. Kans.

CHARGE: 403(a)(3)—contained insects, insect larvae, and cast skins while held for sale.

DISPOSITION: 3-25-63. Default—delivered to a public institution for use as animal feed.

CHOCOLATE, CONFECTIONERY AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

28921. Chocolate and cocoa products. (Inj. No. 375.)

COMPLAINT FOR INJUNCTION FILED: 2-12-60, W. Dist. Wash., against Washington Chocolate Co., a corporation, Seattle, Wash.

CHARGE: The complaint alleged that the defendant operated a plant at Seattle, Wash., for the preparation, packing, holding, and distribution of various types of chocolate and cocoa products, including dark chocolate (chocolate liquor), milk chocolate, chocolate coatings, cocoa butter, and candy; that the defendant shipped such foods which were adulterated within the meaning of 402(a)(3) and 402(a)(4); that such foods consisted in part of a filthy substance by reason of the contamination of such foods with rodent and insect filth; and that such foods were prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth thereby rendering such foods adulterated.

The complaint alleged further that the insanitary conditions at the defendant's plant resulted from and consisted of insect larvae on three walls of the cocoa bean room; rodent excreta pellets on a lot of cocoa bean shells stored along the north wall of the cocoa bean room; insects flying near a lot of bags of dried milk solids stacked against the cooler in the north wing of the first floor; insects on a tier of the bags containing the milk solids in the north wing of the first floor; flies in the "hot room" flying near open pans of chocolate; the use of leftover candy and other scrap material containing insect webbing, in the preparation of new batches of finished candy; the use of chocolate sweepings as an ingredient in new batches of candy; rodent excreta pellets in the cloth tubes of the cocoa and sugar mills on the second floor; rodent excreta pellets on the floor of the north wing of the second floor; two mice and approximately 300 mouse excreta pellets found beneath a tier of bags of cocoa powder along the north wall of the second floor; rodent excreta pellets on cloth covers of carts containing chocolate nibs; a beetle-infested cart containing empty burlap bags on the west end of the north wing of the second floor; rodent excreta pellets in the bottom of the aforementioned cart; the placing of cocoa butter onto a tray containing rodent excreta pellets; an unscreened door to the restroom which was left open; debris stacked around the outside of the building which provided a harborage for rodents; piles of old machinery, cartons, barrels, and other materials on the second floor of the south wing which provided a harborage for rodents and made cleaning difficult; employees in the plant who did not wear head coverings; and the presence of numerous openings in the plant that permitted rodent and insect entry.

The complaint alleged further that the defendant was aware that its activities were in violation of the law; that since 1942 several inspections had been made of defendant's plant by inspectors of the Food and Drug Administration; that inspections of defendant's plant at Seattle, Wash., were made by in-