

27074. Rice. (F.D.C. No. 45172. S. No. 31-920 R.)

QUANTITY: 720 2-lb. bags at New Orleans, La.

SHIPPED: 10-20-60, from Houston, Tex., by Comet Rice Mills.

LABEL IN PART: (Bag) "Comet Wonder Regular * * * Rice * * * Comet Rice Mills."

LIBELED: 12-6-60, E. Dist. La.

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

DISPOSITION: 3-15-61. Default—destruction.

27075. Rice. (F.D.C. No. 45303. S. No. 5-651 R.)

QUANTITY: 22 cases, 60 1-lb. boxes each, at Baltimore, Md.

SHIPPED: 6-8-60, from Mermentau, La., by Mermentau Rice Mill Co., Inc.

LABEL IN PART: (Box) "Lark Brand Long Grain Rice Sterling Sales Co., Inc., New Orleans, La."

RESULTS OF INVESTIGATION: Examination showed that the article was broken rice and not long grain rice.

LIBELED: 12-22-60, Dist. Md.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale; and 403(a)—when shipped, the label statement "Long Grain Rice" was false and misleading.

DISPOSITION: 1-16-61. Default—destruction.

27076. Wheat, oats, and other grains for human consumption. (Inj. No. 379.)

COMPLAINT FOR INJUNCTION FILED: 6-20-60, Dist. S. Dak., against Glen R. Litehiser, t/a Litehiser Grain & Fuel Co., Seneca, S. Dak.

CHARGE: The complaint alleged that the defendant was engaged in operating a grain elevator consisting of a main elevator house and three storage bin annex buildings for the storage and distribution of wheat, oats, and other grain for human consumption, and that the defendant was causing to be introduced into interstate commerce such grains which were adulterated within the meaning of 402(a)(3) by reason of contamination with rodent, insect, and bird filth, and within the meaning of 402(a)(4) by reason of being held at defendant's elevator under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of the following:

East Annex bin—rodent trails over the entire surface of the wheat stored therein, several rodent entries provided by holes in the wooden side walls, a dead rat lying on the floor; deep rodent trails at the edge of the grain along the east, north, and west walls, two rodent burrows in the surface of the grain, two rodent trails on top of the grain along the north wall, rodent burrows in the tar paper lining tacked to the wall, two rodent burrows in the surface of the grain along the west side of the bin, and one rodent entry in the west wall, approximately 50 rat pellets in a 10 foot square area along the west wall, a bird's nest at the top of a pile of wheat, and several hundred live tribolium beetles in a quart sample of grain collected from the surface, and the presence on the surface of the wheat in storage of hundreds of mouse and rat excreta pellets, grain kernels containing urine, bird excreta pellets and bird feathers, and hundreds of weevils, tribolium and flat grain beetles and larvae.

Middle Annex bin—the access door was wide open, rodent burrowings were found in the cracks in the concrete floor, a dead rabbit in the oats, and approximately 10 live birds inside the building.

West Annex bin—an ill-fitting main entrance door which allowed the entrance of rodents and numerous rodent burrowings and rodent tracks.

Main Elevator house—the breaks in the concrete floor and in the foundation contained numerous rodent burrows, rodent entries in a section of the dirt floor, and in the wooden siding above the concrete foundation, and rodent tracks throughout the basement.

The complaint alleged further that the defendant was well aware that his activities were in violation of the Act: that an inspection of the elevator had been made by inspectors of the Food and Drug Administration on 11-8-57, at which time the insanitary conditions in the elevator were called to the defendant's attention, and that despite such warnings the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce wheat, oats, and other grains for human consumption which were adulterated as specified above.

DISPOSITION: On 6-20-60, a temporary restraining order was entered enjoining the defendant against the acts complained of. Thereafter, the defendant having consented, the court entered a decree of temporary injunction on 6-29-60, that was modified on 7-1-60. Such decree as modified provided as follows:

1. That the defendant remove as soon as reasonably possible all wheat from the storage bin described as East Annex bin.
2. That the top layer of such wheat ranging from two to five inches in thickness, and all wet wheat in the East Annex bin be sold for animal feed.
3. That the remainder of the wheat should be inspected by the Food and Drug Administration and any that was found fit for human consumption should be shipped to Minneapolis, Minn., and any that was unfit should be cleaned, scoured, or otherwise treated to make it suitable for human consumption.
4. That the East Annex bin should be repaired.
5. That none of the grain stored in any of the elevator buildings, except for the wheat in the East Annex bin, should be shipped in interstate commerce until the further order of the court.

On 8-4-60, it having been found that the wheat and oats stored in the Middle and West Annex bins were in suitable condition, an order was entered modifying the consent decree of temporary injunction to permit the shipment and sale on the open market of all such wheat and oats.

On 11-5-60, the defendant having consented, and it appearing that the defendant had satisfactorily destroyed, sold, or otherwise disposed of the grain on hand at the time of the temporary injunction of 7-1-60, and it also appearing that the main elevator house was suitable for the storage of grains for human consumption, the court entered a decree of permanent injunction enjoining and restraining the defendant from storing any wheat, oats, and other grains for human consumption in the East, Middle, and West Annex bins, and from introducing into interstate commerce any such grains from such bins unless and until:

1. The grain storage facilities were thoroughly cleaned, renovated, and rendered suitable for use in the storage of wheat, oats, and other grains for human consumption, and all rodent, insect, and bird filth was re-

moved from the storage facilities, and all equipment used in storing such grains was clean; all rodent, insect, and bird filth in and about the storage facilities was eliminated; the means of ingress and egress by rodents, insects, and birds were closed; and any similar insanitary conditions which may result in contamination of grain while held at such storage facilities were eliminated.

2. An inspection was made of the storage facilities by the Food and Drug Administration and a report made to the court that the above-mentioned insanitary conditions no longer existed.

27077. Wheat. (F.D.C. No. 44814. S. No. 43-880 R.)

QUANTITY: 121,500 lbs. at Spokane, Wash.

SHIPPED: 9-19-60, from Conrad, Mont., by Occident Elevator Co.

LIBELED: 10-19-60, E. Dist. Wash.

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

DISPOSITION: 11-2-60. Consent—claimed by Occident Elevator Co. Segregated; 12,400 lbs. converted into animal feed.

27078. Wheat. (F.D.C. No. 45326. S. No. 35-319 R.)

QUANTITY: 1,833 bushels at Clifton, N.J.

SHIPPED: 12-8-60, from Dansville, N.Y., by Dansville Farm Supply.

LIBELED: 1-4-61, Dist. N.J.

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

DISPOSITION: 2-3-61. Consent—claimed by Dansville Farm Supply, and denatured for use as animal feed.

27079. Wheat. (F.D.C. No. 45399. S. No. 55-535 R.)

QUANTITY: 104,140 lbs. at Tacoma, Wash.

SHIPPED: 12-29-60, from Conrad, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 1-19-61, W. Dist. Wash.

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

DISPOSITION: 1-23-61. Consent—claimed by Farmers Union Grain Terminal Association, Great Falls, Mont., and denatured.

27080. Wheat. (F.D.C. No. 45407. S. No. 55-768 R.)

QUANTITY: 42,210 lbs. at Nisqually, Wash.

SHIPPED: 1-21-61, from Gooding, Idaho, by Western Warehouse Co.

LIBELED: 1-26-61, W. Dist. Wash.

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

DISPOSITION: 2-7-61. Consent—claimed by Western Warehouse Co., and denatured.

27081. Wheat. (F.D.C. No. 45409. S. No. 47-189 R.)

QUANTITY: 120,640 lbs. at Toledo, Ohio.

SHIPPED: 1-13-61, from Imlay City, Mich., by Michigan Elevator Exchange.

LIBELED: 1-31-61, N. Dist. Ohio.

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