DISPOSITION: Defendant Vasa moved to dismiss the charges against him. On 12–10–56, the court entered the following memorandum:

BYERS, *District Judge:* "This is a motion to dismiss an information. The possibility that the defendant Vasa was culpable in any respect, for the commission of the offense to which the corporation and the other individual defendant are said to have pleaded guilty, seems remote, if the statements in the brief filed for him on this motion, shall be borne out by the evidence. However, the information as a pleading is not attacked for legal sufficiency. That being so, the office of the court on this motion to dismiss is not to conduct a trial.

"If the case of *U. S.* v. *Dotterweich* (320 U. S. 277) is understood, this motion must be denied, without prejudice to renewal when the Government's case shall have been rested, at the trial.

"Settle order."

The case against defendant Vasa came on for trial on 2–18–57. A mistrial was declared on 2–20–57, due to the disagreement of the jury. On 5–31–57, the case was dismissed against defendant Vasa. On 6–28–57, the corporation was fined $1,000 and I. S. Horowitz was fined $500.

24060. Rye meal and rye flour. (F. D. C. No. 40350. S. Nos. 56–353/6 M.)

QUANTITY: 20 100-lb. bags of rye meal and 55 100-lb. bags of rye flour at Chicago, Ill., in possession of Wolf Flour Cartage Co.

SHIPPED: Between 11–9–56 and 4–26–57, from Watertown, Wis.

LIBELED: 7–3–57, N. Dist. Ill.

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

DISPOSITION: 7–31–57. Default—destruction.

24061. Rice. (F. D. C. No. 40205. S. No. 57–923 M.)

QUANTITY: 75 25-lb. bags at Orlando, Fla., in possession of Chitty & Co., Inc.

SHIPPED: 2–23–57, from Stuttgart, Ark.

LIBELED: On or about 5–21–57, S. Dist. Fla.

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

DISPOSITION: 6–20–57. Default—destruction.

24062. Wheat. (F. D. C. No. 40268. S. No. 71–083 M.)

QUANTITY: 54,340 lbs. at Minneapolis, Minn.

SHIPPED: 5–22–57, from Freeman, S. Dak., by Shanard Elevator Co.

LIBELED: 6–5–57, Dist. Minn.

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

DISPOSITION: 6–24–57. Consent—claimed by Shanard Elevator Co., and denatured for use as animal feed.

24063. Wheat. (F. D. C. No. 40263. S. No. 77–956 M.)

QUANTITY: 60,960 lbs. at North Kansas City, Mo.

SHIPPED: 5–20–57, from Elk Creek, Nebr., by Chittenden Grain Co.

LIBELED: 5–27–57, W. Dist. Mo.

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

DISPOSITION: 5–29–57. Consent—claimed by Root Grain Co., Kansas City, Mo., and denatured.