decomposed substance, or is otherwise unit for food, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

"Notice under 21 U.S.C. 335 is not a prerequisite for prosecution. U.S. *Dotterweich*, 320 U.S. 277 (1943). Nor need copies of analyses be furnished under 21 U.S.C. 374(d). This provision applies only to those who manufacture, process, or pack, undoubtedly so that allegedly faulty formulae and procedures may be checked and analyzed by the manufacturer, processor or packer.

"Defendants' principal contention is that the 'Act' proscribed by the statute involves something more affirmative than a mere holding in a place where without the knowledge of defendants insects exist.

"The legislative history cited by the government, House Report 807, 80th Congress, 1st Session, indicates that holding food where it might become contaminated was contemplated by the framers of the act as an offense. In an effort to protect the public health, the warehouseman is required at his peril to see that foodstuffs moving in interstate commerce or held for sale after such movement are not exposed to contamination. Here more effective inspection, fumigation or rotation of food products susceptible to insect contamination is called for by the conditions revealed by this case.

"A finding of guilty as to both defendants may be entered on counts 1, 2, 3, 4 and 7. The case may be continued for sentence on completion of the presentence report as to the individual defendant."

On 7-27-59, the court fined each defendant $200.

26757. Malting barley. (F.D.C. No. 44058. S. No. 96-426 P.)

QUANTITY: 61,495 lbs. at Jefferson Junction, Wis.

SHIPPED: 12-21-59, from Glenfield, N. Dak., by Peavey Elevators.

LIBELED: 2-10-60, W. Dist. Wis.

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley has been prescribed by regulations.

DISPOSITION: 3-23-60. Consent—claimed by F. H. Peavey & Co., Minneapolis, Minn. The product was denatured for use as seed.

26758. Rice and pinto beans. (F.D.C. No. 43078. S. Nos. 5-204/7 P, 5-209 P.)

INFORMATION FILED: 6-16-59, E. Dist. N.C. against John B. Singletary, president of G. V. Singletary & Sons, a corporation, Whiteville, N.C., and James Howard Singletary, secretary-treasurer.

ALLEGED VIOLATION: Between 10-6-58 and 12-3-58, while quantities of rice and pinto beans 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 rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the rice contained rodent urine, rodent excreta, and rodent hairs; and 402(a)(4)—the rice and pinto beans were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-28-60. Each defendant fined $500.

26759. Wheat. (F.D.C. No. 44518. S. No. 27-323 R.)

QUANTITY: 48,700 lbs. at New Prague, Minn.

SHIPPED: 7-5-60, from Strasburg, N. Dak., by Farmers Elevator Co.