

CHARGE: The complaint alleged that the defendant was engaged in the business of storing and selling various food products, such as flour, bakery mixes, cornmeal, sugar, salt, and shortening; that the defendant had been and was, at the time of filing of the complaint, receiving such articles which had been shipped in interstate commerce; and that the defendant had been and was placing and causing to be placed in a building infested with insects and rodents, and had been and was exposing and causing to be exposed to contamination by insects and rodents, such articles of food while they were held for sale after shipment in interstate commerce.

The complaint alleged further that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination, resulted in the foods being adulterated within the meaning of 402(a) (3) in that the foods consisted in part of insect and rodent filth; and within the meaning of 402(a) (4) in that the foods were held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged also that the insanitary conditions resulted from and consisted of an old building with loose walls; wide cracks between floor boards; openings along the wall approximately one foot wide, through which insects, rodents and larger animals could and did enter and leave the building at will; holes throughout the building; rodent excreta pellets throughout the building; spilled rodent-bait dishes in areas near stored food; spilled flour, mixed with dirt, rodent excreta pellets, and miscellaneous debris, along the wall ledges, and other similar insanitary conditions.

DISPOSITION: On 2-13-58, a temporary restraining order was issued, and on 3-7-58, a hearing was held on the question of issuing a permanent injunction. Thereafter, on 3-21-58, the court issued a decree of permanent injunction and its findings of fact and conclusions of law in support thereof. The decree enjoined the defendant (1) from doing or causing any act to be done with respect to any article of food while held for sale after shipment in interstate commerce, which act would result in the food being adulterated as alleged in the complaint, and (2) from placing or causing to be placed in its warehouse, any articles of food after shipment in interstate commerce, unless, and until, the warehouse was rendered suitable for the storage of food; an inspection was made by an authorized representative of the Department of Health, Education, and Welfare, and a report submitted showing that the insanitary conditions in the warehouse no longer existed, and the adulterated food being held in the defendant's warehouse, after shipment in interstate commerce, was removed from human food channels by destruction or otherwise.

24952. Flour. (F.D.C. No. 41597. S. No. 21-286 P.)

QUANTITY: 64 50-lb. bags at Kansas City, Kans., in possession of Lee Foods, Div. of Consolidated Foods Corp.

SHIPPED: 11-1-57 and 1-24-58, from St. Joseph, Mo.

LIBELED: 3-7-58, Dist. Kans.

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

DISPOSITION: 5-9-58. Default—consumption by animals.