

DISPOSITION: On 2-11-60, the court issued a temporary restraining order enjoining the defendants from introducing into interstate commerce, wheat which was adulterated as described in the complaint. The temporary restraining order was continued in effect in accordance with orders of extension entered with the consent of the parties. A preliminary injunction was entered on 4-21-60, and on 5-23-60 a temporary injunction was entered with the consent of the parties. Under the temporary injunction the defendants were restrained for the period beginning 5-23-60 and ending on 4-21-61, from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, wheat for human consumption and any similar article of food which was adulterated as alleged in the complaint. The defendants were also restrained under the temporary injunction from introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, wheat for human consumption held at the defendants' Kansas City elevator unless and until:

(a) the same standards of cleanliness and physical facilities as now existing at said elevator, which have recently been brought into compliance with the Act and inspected and approved by Pure Food and Drug representatives are maintained, with respect to protection from rodent, insect, and bird filth, means of ingress and egress, and any similar insanitary conditions which may result in the contamination of wheat for human consumption or any similar article of food;

(b) all of the wheat which is on hand at said elevator be inspected by representatives of the Food and Drug Administration and under their supervision all or part may be loaded out, and that wheat which does not meet announced industry cleanliness tolerances and standards, as defined herein, shall be destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and thus brought into compliance with the provisions of the Act, all costs of such supervision to be borne by the defendants; that wheat which meets announced industry cleanliness tolerances and standards (i.e. no more than 1 rodent pellet per pint of grain and no more than 1% insect-damaged kernels), shall be released from this injunction and may be shipped, returned to storage, or otherwise disposed of and handled in any manner desired by defendants;

(c) immediately prior to the end of the period of the injunction an inspection is made of defendants' elevator by a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and a report made to the court which shows that the above-described or any similar insanitary conditions no longer exist and that the wheat which does not meet industry standards has been destroyed, denatured, or brought into compliance with the law as provided in subparagraph (b) above.

26604. Wheat. (F.D.C. No. 44078. S. No. 28-204 R.)

QUANTITY: 120,000 lbs. at Minneapolis, Minn.

SHIPPED: 2-19-60, from Crosby, N. Dak., by Farmers Union Elevator Co.

LIBELED: 3-7-60, Dist. Minn. ✓

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

DISPOSITION: 3-17-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 15,450 lbs. denatured for use as animal feed.

26605. Wheat. (F.D.C. No. 44463. S. No. 30-009 R.)

QUANTITY: 105,120 lbs. at Minneapolis, Minn.

SHIPPED: 5-6-60, from Warner, S. Dak., by Warner Cooperative Elevator Co.

LIBELED: 5-20-60, Dist. Minn.

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

DISPOSITION: 5-25-60. Consent—claimed by Farmers Union Grain Terminal Association, Minneapolis, Minn. Segregated; 9,370 lbs. converted into animal feed.

26606. Wheat. (F.D.C. No. 44479. S. No. 29-628 R.)

QUANTITY: 112,800 lbs. at Minneapolis, Minn.

SHIPPED: 4-28-60, from Esmond, N. Dak., by Esmond Equity & Trading Co.

LIBELED: 6-1-60, Dist. Minn.

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

DISPOSITION: 6-6-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 13,070 lbs. destroyed.

26607. Wheat. (F.D.C. No. 44487 S. No. 43-701 R.)

QUANTITY: 114,000 lbs. at Auburn, Wash.

SHIPPED: 5-16-60, from Brockway, Mont., by Farmers Union Elevator.

LIBELED: 6-7-60, W. Dist. Wash.

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

DISPOSITION: 6-17-60. Consent—claimed by Farmers Union Grain Terminal Association, Great Falls, Mont., and denatured.

26608. Wheat. (F.D.C. No. 44476. S. No. 23-042 R.)

QUANTITY: 36,000 lbs. at Parkville, Mo.

SHIPPED: 5-25-60, from Clatonia, Nebr., by Continental Grain Co.

LIBELED: 6-3-60, W. Dist. Mo.

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

DISPOSITION: 6-28-60. Consent—claimed by Continental Grain Co. and denatured for use as animal feed.

26609. Wheat. (F.D.C. No. 44668. S. No. 4-207 R.)

QUANTITY: 123,000 lbs. at Baltimore, Md.

SHIPPED: 6-3-60, from Toledo, Ohio, by Michigan Elevator Exchange.

LIBELED: On or about 6-21-60, Dist. Md.

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

DISPOSITION: 7-5-60. Consent—claimed by Southern States Grain Marketing Cooperative, Inc., Baltimore, Md., and reconditioned for sale as animal feed.

26610. Rice. (F.D.C. No. 44287. S. Nos. 16-129 P, 88-402 P.)

INFORMATION FILED: 3-31-60, E. Dist. Ky., against M-B Food Sales, Inc., Lexington, Ky., and William H. Buckles, president of the corporation.