

insanitary conditions were called to the defendant's attention; that seizure had been made in December 1958, of a carload of wheat which was shipped from defendant's grain storage facility; and that despite such warnings, the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce, wheat adulterated as specified above.

DISPOSITION: On 10-21-60, a temporary restraining order was entered against the defendant. On 10-29-60, the defendant having consented, the court entered a decree of permanent injunction enjoining the defendant from directly or indirectly causing to be introduced and delivered for introduction into interstate commerce, wheat, or any similar articles for human consumption, which is adulterated as alleged in the complaint. The defendant was also enjoined and restrained from causing the introduction and delivery for introduction into interstate commerce of wheat, and other similar articles for human consumption held at defendant's grain storage facility at Litchville, N. Dak., unless and until:

- (a) the grain storage facility was thoroughly cleaned and renovated and rendered suitable for use in connection with the storage of wheat, and other similar articles for human consumption, all rodent, insect, and bird filth was removed from the storage facility, and the equipment used in storing the food was cleaned, the means of ingress and egress to the storage facility by rodents, insects, and birds were closed, and any similar insanitary conditions were eliminated;
- (b) the wheat, or other similar articles for human consumption, which was on hand at the storage facility, was reconditioned and made suitable for human consumption under the supervision of the Food and Drug Administration;
- (c) all contaminated wheat, or other articles for human consumption, was sold and delivered by defendant, under the supervision of the Food and Drug Administration, for use as animal feed only;
- (d) all expenses of the supervision referred to above were paid by the defendant; and
- (e) an inspection was made of the storage facility by a representative of the Food and Drug Administration with all expenses of such inspection being paid by the defendant, and a report made to the court showing that the insanitary conditions no longer existed, and that the wheat, or other similar articles for human consumption, as described in subparagraphs (b) and (c) had been brought into compliance with the law.

26880. Wheat. (F.D.C. No. 44482. S. No. 23-500 R.)

QUANTITY: 117,130 lbs. at Kansas City, Kans.

SHIPPED: 5-24-60, from Campbell, Nebr., by Campbell Grain Co.

LIBELED: 6-9-60, Dist. Kans.

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

DISPOSITION: 6-14-60. Consent—claimed by Romeiser Grain Co., Salina, Kans. Segregated; 5,350 lbs. denatured.

26881. Wheat. (F.D.C. No. 44507. S. No. 44-591 R.)

QUANTITY: 101,990 lbs. at Spokane, Wash.

SHIPPED: 6-13-60, from Cascade, Mont., by Greely Elevator Co.

LIBELED: 6-27-60, E. Dist. Wash.

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

DISPOSITION: 6-30-60. Consent—claimed by Martin M. Lanser, t/a Martin M. Lanser Co., Seattle, Wash., and denatured for use as animal feed.

CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

26882. Chocolate base. (F.D.C. No. 44474. S. No. 40-792 R.)

QUANTITY: 2 drums containing a total of 321 lbs. at Alton, Ill.

SHIPPED: 4-1-60, from St. Louis, Mo., by American Chocolate Co., Inc.

LABEL IN PART: "Premium Dutch Chocolate Base American Chocolate Company, Inc., 508 South Jefferson, St. Louis, Mo. Ingredients Dutch Process Cocoa."

LIBELED: 5-31-60, S. Dist. Ill.

CHARGE: 402(b) (1)—when shipped, a valuable constituent, chocolate, had been in whole or in part omitted from the article; and 403(a)—the label statement "Chocolate Base" was false and misleading.

DISPOSITION: 6-29-60 and 7-7-60. Default—delivered to a charitable institution for use as food.

26883. Chocolate sirup. (F.D.C. No. 43436. S. No. 64-843 P.)

QUANTITY: 42 3-qt. cans at Lubbock, Tex.

SHIPPED: 6-15-59, from Humboldt, Tenn., by J. Hungerford Smith Co.

LABEL IN PART: "J. Hungerford Smith's JHS Fountain Park Chocolate Flavored Syrup."

LIBELED: 3-21-60, N. Dist. Tex.

CHARGE: 402(a) (3)—contained insect fragments, rodent hair fragments, and feather fragments; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-7-60. Default—destruction.

CONFECTIONERY

26884. Candy. (F.D.C. No. 44328. S. Nos. 71-569 P, 75-679 P, 80-709 P, 92-140 P.)

INFORMATION FILED: 6-3-60, W. Dist. Mo., against Donaldson Chocolate Co., a corporation, Kansas City, Mo.

SHIPPED: Between 10-17-59 and 1-5-60, from Missouri to Ohio, Michigan, Texas, and Arkansas.

LABEL IN PART: "Sifers VALOMILK SWISS STYLE VALOMILK NET WEIGHT 1 OUNCE FROM SIFERS VALOMILK CONFECTION CO. KANSAS CITY 8, MO."

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

PLEA: Nolo contendere.

DISPOSITION: 7-1-60. \$800 fine, plus costs.