



**TITLE 2**  
**CRIMINAL DIVISION**

## APPENDIX

Form No. USA-900  
(Rev. 8-1-63)

### REQUEST AND AUTHORIZATION TO DISMISS CRIMINAL CASE

To: <input type="checkbox"/> Criminal Division <input type="checkbox"/> Tax Division	From (District)	
United States of America  vs.	Criminal Docket No.	U.S. Attorney's ref.
	Violations(s)	Dept. of Justice ref.
1. (Check one)  <input type="checkbox"/> Indictment <input type="checkbox"/> Information	Number of counts	Date filed
2. Dismissal recommended as to (Specify defendant(s))		
3. Present status of case:		
4. Pertinent facts of case:		
5. Reasons for dismissal <i>in detail</i> : (If necessary, attach separate sheet)		
6. Recommendation, if any, of referral or investigating agency:		

#### APPROVAL ACTION

DEPARTMENT		OFFICE OF UNITED STATES ATTORNEY	
Approved (Asst. Atty. Gen.)—Criminal or Tax Division		Approval recommended: Asst. Handling case	Asst. in charge of Sec.
By (Chief of Section)		United States Attorney	Date
Name of Section	Date	Check one:  <input type="checkbox"/> Approved <input type="checkbox"/> Approval recommended	

See instructions regarding dismissals in the United States Attorney's Manual, Title 2, p. 20, or Title 4, p. 45.

Submission to the Department should be in triplicate. One copy will be returned after action.

## TITLE 2: CRIMINAL DIVISION

FORM 2

## MOTION TO DISMISS INDICTMENT (OR INFORMATION)

DISTRICT COURT OF THE UNITED STATES  
FOR THE ----- DISTRICT OF -----

UNITED STATES OF AMERICA <i>vs.</i> -----	Criminal No. -----
---	--------------------

## MOTION TO DISMISS INDICTMENT (or information)

Comes now the United States of America by and through its counsel and respectfully moves the Court for leave to dismiss the indictment (or information) in the above-entitled case, and in support of this motion avers as follows:

On or about -----, the grand jury for the ----- District of ----- returned an indictment or the U. S. A. filed an information) against the defendant in the above-entitled case, charging that (simple statement of the crime) in violation of Section -----, Title ----- of the United States Code.

The reasons for dismissal are:

On -----, the Attorney General of the United States authorized the dismissal of said indictment (or information).

-----  
(United States Attorney)

Presented by:

-----  
(Assistant United States Attorney)

## ORDER

And now, this ----- day of ----- 19--, in open court, the within motion is granted and it is hereby ordered and decreed that Indictment (or information) No. ----- against ----- be and the same is hereby dismissed.

-----  
(United States District Judge)

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## Form 5. Form of Libel of Information

In the District Court of the United States for the -----  
 District of -----, ----- Division.

----- Term, A. D., 19--

UNITED STATES OF AMERICA  
*v.*  
 -----

} No. -----,  
 Libel of information

To The Honorable Judges of The United States District Court For  
 The ----- District of -----

Now comes the United States of America, by -----,  
 United States Attorney for the ----- District of -----,  
 and shows to the Court:

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1. That this libel is filed by the United States of America and prays seizure and condemnation of a certain article of food, as hereinafter set forth, in accordance with the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.).

2. That ----- Company shipped in interstate commerce from -----, -----, to -----, -----, via -----, on or about -----, 19--, an article of food consisting of ----- cases, more or less, each containing ----- cans of a food labeled in part: -----

3. That the aforesaid article was adulterated (misbranded) when introduced into and while in interstate commerce, within the meaning of said Act, 21 U. S. C. 342 (a) (3), in that it consisted in whole or in part of a decomposed substance.\*

4. That the aforesaid article is in the possession of -----, at -----, or elsewhere within the jurisdiction of this Court.

5. That by reason of the foregoing, the aforesaid article is held illegally within the jurisdiction of this Court, and is liable to seizure and condemnation pursuant to the provisions of said Act, 21 U. S. C. 334.

WHEREFORE, libellant prays that process in due form of law according to the course of this Court in cases of admiralty jurisdiction issue against the aforesaid article; that all persons having any interest therein be cited to appear herein and answer the aforesaid premises; that this Court decree the condemnation of the aforesaid article and grant libellant the costs of this proceeding against the claimant of the aforesaid article; that the aforesaid article be disposed of as this Court may direct pursuant to the provisions of said Act; and that libellant have such other and further relief as the case may require.

Dated: -----, 19--.

UNITED STATES OF AMERICA

By -----

United States Attorney

\* Where the seizure is predicated upon adulteration or misbranding while held for sale after shipment in interstate commerce, the first line of the paragraph should read: "That the aforesaid article was adulterated (misbranded) while held for sale after shipment in interstate commerce \* \* \*."

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Form 6. Form of Claim

In the District Court of the United States for the \_\_\_\_\_  
District of \_\_\_\_\_, \_\_\_\_\_ Division.

\_\_\_\_\_ Term, A. D., 19\_\_

United States of America }  
v. } No. \_\_\_\_\_,  
\_\_\_\_\_ } Claim

Now appears before this Honorable Court \_\_\_\_\_  
Company, a corporation duly organized and existing under the laws  
of the State of \_\_\_\_\_, with its principal place of business  
in the City of \_\_\_\_\_, State of \_\_\_\_\_, interven-  
ing in this proceeding for the interest of itself as owner of the ar-  
ticle(s) above described, and makes claim to the said article(s) as  
the same is attached by the United States Marshal for this district  
under process of this Court at the instance of the United States of  
America, libellant;

And said claimant avers that it is the true and bona fide sole owner  
of the said article and that no other person is the owner thereof;  
wherefore it prays to defend accordingly.

\_\_\_\_\_ Company  
By: \_\_\_\_\_  
\_\_\_\_\_  
Proctor for Claimant

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS:

\_\_\_\_\_, being duly sworn, deposes and says that  
he is the \_\_\_\_\_ of \_\_\_\_\_ Company, the corpora-  
tion which is described in and which executed the foregoing Claim;  
that he has authority to act on behalf of the corporation in this matter  
and that he signed said Claim pursuant to said authority; that he  
has read said Claim and knows the contents thereof, and that the  
same is true to the best of his knowledge, information, and belief;  
and that he knows that the seal affixed to said Claim is the seal of  
said corporation and was duly affixed as such.

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

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## Form 7. Form of

## CONSENT DECREE OF CONDEMNATION

In the District Court of the United States for the ----- District  
of ----- Division.

----- Term, A. D., 19--

United States of America

v.

No. -----,  
Decree of condemnation

On -----, 19--, a libel of information against the  
above described article was filed in this Court on behalf of the United  
States of America by the United States Attorney and the Assistant  
United States Attorney for this district. The libel alleges that the  
article proceeded against is a food which was shipped in interstate  
commerce and is adulterated in violation of the Federal Food, Drug,  
and Cosmetic Act (21 U. S. C. 342 (a) (3)). Pursuant to Monition  
issued by this Court, the United States Marshal for this district seized  
said article on -----, 19--. Thereafter, -----  
Company of -----, -----  
intervened  
and filed claim to said article. Claimant consents that a Decree, as  
prayed for in the libel, be entered condemning the article under  
seizure.

The court being fully advised in the premises, it is on motion of the  
parties hereto—

ORDERED, ADJUDGED, AND DECREED that the said article  
under seizure is adulterated in violation of 21 U. S. C. 342 (a) (3), and  
is therefore hereby condemned pursuant to 21 U. S. C. 334 (a); and  
it is further

ORDERED, ADJUDGED, AND DECREED, pursuant to 21  
U. S. C. 334 (e), that the United States of America shall recover from  
said Claimant court costs and fees, and storage and other proper ex-  
penses, as taxed herein, to wit, the sum of \$-----; and

Claimant having petitioned this Court that the condemned article  
be delivered to it pursuant to 21 U. S. C. 334 (d), it is further

ORDERED, ADJUDGED, AND DECREED that the United  
States Marshal for this district shall release said article from his cus-  
tody to the custody of claimant for the purpose of converting said  
article into stock feed if claimant, within 20 days from the date of this  
decree, (a) pays in full the aforementioned court costs and fees, and  
storage and other proper expenses of the proceeding herein, and (b)

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executes and files with the clerk of this Court a good and sufficient penal bond with surety in the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), approved by this Court, payable to the United States of America, and conditioned on the claimant's abiding by and performing all the terms and conditions of this Decree and of such further Orders and Decrees as may be entered in this proceeding; and it is further

**ORDERED, ADJUDGED, AND DECREED that:**

1. After the filing of the bond in this Court, the claimant shall, at its own expense, cause the article to be shipped to its plant at \_\_\_\_\_, \_\_\_\_\_. When the article arrives at the \_\_\_\_\_ plant, claimant shall give written notice to the \_\_\_\_\_ Station, Food and Drug Administration, Federal Security Agency, \_\_\_\_\_, that the article has arrived and that claimant is prepared to convert it into stock feed under the supervision of a duly authorized representative of the Federal Security Administrator.

2. The claimant shall at all times, until the article has been released by a duly authorized representative of the Federal Security Administrator, retain intact the entire lot of goods comprising the article for examination or inspection by said representative, and shall maintain the records or other proof necessary to establish the identity of said lot to the satisfaction of said representative.

3. The claimant shall not commence conversion operations until it has received authorization to do so from a duly authorized representative of the Federal Security Administrator.

4. The claimant shall at no time, and under no circumstances whatsoever, ship, sell, offer for sale, or otherwise dispose of any part of said article or of the article into which it is converted until a duly authorized representative of the Federal Security Administrator shall have had free access thereto in order to take any samples or make any tests or examinations that are deemed necessary, and shall in writing have released such article for shipment, sale, or other disposition.

5. Within 30 days from the date of the filing of the bond in this Court, claimant shall complete the process of converting said article into stock feed at its \_\_\_\_\_, \_\_\_\_\_, plant under the supervision of a duly authorized representative of the Federal Security Administrator.

6. The claimant shall abide by the decisions of said duly authorized representative of the Federal Security Administrator, which decisions shall be final. If claimant breaches any conditions stated in this Decree, or in any subsequent Decree or Order of this Court in this pro-



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ceeding, claimant shall return the article immediately to the United States Marshal for this district at claimant's expense, or shall otherwise dispose of it pursuant to an Order of this Court.

7. The claimant shall not sell or dispose of said article or any part thereof in a manner contrary to the provisions of the Federal Food, Drug, and Cosmetic Act, or the laws of any State or Territory (as defined in said Act) in which it is sold or disposed of.

8. The claimant shall compensate the United States of America for cost of supervision at the rate of \$----- per day per representative for each day actually employed in the supervision of the conversion process, as salary or wage; where laboratory work is necessary, at the rate of \$----- per day per person for such laboratory work; where subsistence expenses are incurred, at the rate of \$----- per day per person for such subsistence expenses. Claimant shall also compensate the United States of America for necessary traveling expenses and for any other necessary expenses which may be incurred in connection with the supervisory responsibilities of said Federal Security Administrator.

9. If requested by a duly authorized representative of the Federal Security Administrator, claimant shall furnish to said representative duplicate copies of invoices of sale of the released article, or shall furnish such other evidence of disposition as said representative may request.

The United States Attorney for this district, on being advised by a duly authorized representative of the Federal Security Administrator that the conditions of this Decree have been performed, shall transmit such information to the Clerk of this Court, whereupon the bond given in this proceeding shall be canceled and discharged; and it is further

**ORDERED, ADJUDGED, AND DECREED** that if the claimant does not avail itself of the opportunity to repossess the condemned article in the manner aforesaid, the United States Marshal for this district shall retain custody of said article pending the issuance of an order by this Court regarding its disposition; and it is further

**ORDERED, ADJUDGED, AND DECREED** that this Court expressly retains jurisdiction to issue such further Decrees and Orders as may be necessary to the proper disposition of this proceeding, and that should the claimant fail to abide by and perform all the terms and conditions of this Decree, or of such further Order or Decree as may be entered in this proceeding, or of said bond, then said bond shall on motion of the United States of America in this proceeding be forfeited and judgment entered thereon.

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Dated at \_\_\_\_\_, this \_\_\_\_\_  
of \_\_\_\_\_, 19\_\_\_\_\_

-----  
United States District Judge

We hereby consent to the entry of the foregoing Decree.

-----  
United States Attorney

-----  
Assistant United States Attorney

-----  
Proctor for Claimant

**Form 8. Form of Bond**

In the District Court of the United States for the \_\_\_\_\_  
District of \_\_\_\_\_, \_\_\_\_\_ Division.

----- Term, A. D., 19\_\_

United States of America <i>v.</i> -----	}	No. _____, _____ Bond
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**KNOW ALL MEN BY THESE PRESENTS:** That \_\_\_\_\_  
\_\_\_\_\_, as Principal, and \_\_\_\_\_  
\_\_\_\_\_, a corporation duly organized under  
the laws of the State of \_\_\_\_\_, and having a place of  
business at \_\_\_\_\_, as Surety, are held and  
firmly bound unto the United States of America in the sum of \_\_\_\_\_  
\_\_\_\_\_ (\$\_\_\_\_\_ ) Dollars, for the  
payment of which to the United States of America they bind them-  
selves, their representatives, successors, and assigns, jointly and sev-  
erally, firmly by these presents.

WHEREAS, on \_\_\_\_\_, 19\_\_\_\_, a decree was entered  
in the above-described proceeding, a copy of which Decree is hereto  
annexed, marked Exhibit A, and made a part hereof;

NOW, THEREFORE, the condition of this obligation is such that  
if the said Principal shall abide by and perform all the terms and con-  
ditions of said Decree and of such further Orders and Decrees as may  
be entered by the above-designated Court in this proceeding, then this  
obligation shall become null and void; otherwise it shall remain in  
full force and effect.

And the said Principal and Surety covenant and agree that, by en-  
tering into and furnishing this Bond, they submit themselves, and  
each of them, to the jurisdiction of the above-designated Court and  
irrevocably appoint the Clerk of Said Court as their agent upon whom

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any papers affecting their liability on said Bond may be served, that their liability on and under said Bond may be enforced on motion made in and to said Court without the necessity of an independent action, and that said motion and notice thereof may be served on the said Clerk of said Court.

Signed with our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

By \_\_\_\_\_  
Principal

By \_\_\_\_\_  
Surety

Attest:

\_\_\_\_\_  
Secretary  
Bond approved \_\_\_\_\_, 19\_\_\_\_\_.

UNITED STATES ATTORNEY

\_\_\_\_\_  
Division \_\_\_\_\_ District of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_\_.

## TITLE 2: CRIMINAL DIVISION

FORM 11  
Form No. USA-153

## In the United States District Court

FOR THE ----- DISTRICT OF -----  
----- DIVISION

UNITED STATES OF AMERICA

vs.

} Criminal No. -----  
-----

CONSENT TO TRANSFER OF CASE  
FOR PLEA AND SENTENCE  
(Under Rule 20)

I, -----, defendant, have received and read a  
copy of the <sup>Indictment</sup>  
<sub>Information</sub> pending against me in the above-styled and  
numbered cause, and understand the charge stated therein, and having  
been advised of my constitutional rights, including the right to  
advice of counsel, I wish to plead guilty to the offense charged, to  
waive trial thereunder in the ----- District of -----  
----- and to consent to disposition of the case in the -----  
----- District of -----,  
Division, in which I am under arrest.

Dated: -----, 19\_\_\_ at -----.

-----  
(Defendant)

-----  
(Witness)

-----  
(Counsel for Defendant)

APPROVED:

-----  
*United States Attorney for the* -----  
*District of* -----,  
----- *Division.*

-----  
*United States Attorney for the* -----  
*District of* -----,  
----- *Division.*

December 1, 1955