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$68 million demanded in poultry suit

GREENSBORO, N.C. (AP) — Holly Farms Poultry Industries, Inc., has filed a $68-million suit against five companies it claims were responsible for Holly Farm's having to destroy thousands of chickens and eggs contaminated with a chemical potentially toxic to humans.

The suit, originally filed in Wilkes Superior Court, was transferred yesterday to U.S. District court in Greensboro at the request of the principal defendant in the action, the Monsanto Co.

Holly Farms alleged the chickens and eggs were contaminated by liquid polychlorinated biphenyl (PCB) which leaked into fish meal being processed at Wilmington, N.C. for use in chicken feed. The PCB was being used as a heat exchange fluid in a closed-system pasteurizing device.

Seeking $56 million in one claim from Monsanto alone, the poultry processor charged that Monsanto violated its own policy of controlling PCB by selling it to the pasteurizing device's operating firm when it should have known the orders indicated a leakage existed.

The suit also seeks: $6 million from Monsanto, East Coast Terminals Inc., owner of facilities at the port of Wilmington, and South Pacific Protein Association Inc., which leased a port warehouse where the feed was processed; $5,250,000 from Wilbur-Ellis Co., and $750,000 from International Process Corp. The last two firms, Holly Farms claims, sold contaminated fish meal.

Holly Farms did not specify how many chickens and eggs were destroyed, but alleged that the number was sufficient to seriously damage its business. The Wilkes County firm also alleged its "good will was, and is, damaged by the apprehension and fear on the part of the general consuming public that chickens were and are contaminated with polychlorinated hyphenyl."

In general, Holly Farms asserted that it was damaged by "joint and concurring negligence" on the part of the five corporations, including alleged violations of implied warranties that the fish meal was suitable for use in chicken feed.

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DEC 9 1971

Poultry Firm Files Suit For $68,000,000

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Seeking $56,000,000 in one claim from Monsanto alone, the poultry processor charged that Monsanto violated its own policy of controlling PCB by selling it to the pasteurizing device's operating firm when it should have known the orders indicated a leakage existed. Monsanto is the sole manufacturer of PCB in the United States.

The suit also seeks: $6,000,000 from Monsanto, East Coast Terminals Inc., owner of facilities at the port of Wilmington, and South Pacific Protein Association Inc., which leased a port warehouse where the feed was processed; $5,250,000 from Wilbur-Ellis Co., and $750,000 from International Process Corp. The last two firms, Holly Farms claims, sold contaminated fish meal.

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An international conference to discuss the health hazards of PCB is scheduled Dec. 20 and 21 at Rougemont, N.C. Scientists from the U.S., Canada, Sweden, Japan and The Netherlands are expected to attend the conference, sponsored by the National Institute of Environmental Health Sciences.

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