Lesson 9. Embargoes, Seizures & Condemnations

Lesson Overview

- Nature of powers
- Use and Effect
- Procedures

Lesson Objectives

Be able to . . .
- Compare and contrast the use and effect of the embargo, seizure and condemnation; and,
- Select the appropriate remedy for a given specific situation
Lesson 9. Embargoes, Seizures & Condemnations

Nature of Powers

- Embargo
  - Hold Order / Red Tag
- Seizure
  - Physical removal
- Condemnation
  - Destruction

Use and Effect

<table>
<thead>
<tr>
<th>Government Powers</th>
<th>Property Rights</th>
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<tbody>
<tr>
<td></td>
<td>Usage</td>
</tr>
<tr>
<td>Embargo</td>
<td>X</td>
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<tr>
<td>Seizure</td>
<td>X</td>
</tr>
<tr>
<td>Condemnation</td>
<td>X</td>
</tr>
</tbody>
</table>

Procedures

- Possession of Authority
- Reasonable Grounds
- Limits
  - Due Process
  - Equal Protection
  - Probable (Reasonable) Cause
  - Not arbitrary or capricious
Questions

Cases

- Adams v. Milwaukee
  - Group A
- North American Cold Storage v. City of Chicago
  - Group B
- Provimi v. United States
  - Group C

Adams v. Milwaukee

- Facts & Arguments
  - Who's suing whom, for what?
- Court History
- Legal Issues
  - Why?
- Decision
- Concurrency and/or Dissent
- Application
Lesson 9. Embargoes, Seizures & Condemnations

**Next Lesson**

**Administrative Remedies**

**Assignment for Lesson 10**

- Statutes & Regulations:
  - 29 USC - Occ. Safety & Health Act, §10.
  - 21 USC - Food Drug & Cosmetic Act, §334
- Required Readings:
  - Reading #23 - USPHS Food Service Sanitation Manual, Chapter 10.

**Assignment Continued**

- Required Readings:
  - Reading #7 - DEQ v. Chemical Waste
  - Reading #10 - Yaffee v. City of Ft. Smith
  - Reading #29 - Rome v. New York State Health
    - Group A
  - Reading #30 - Commonwealth v. Sadecky
    - Group B
  - Reading #31 - Dworkin v. Town of Lakeview
    - Group C
- Due: March 2, 2004