RESULTS OF INVESTIGATION: The article had been shipped as above in 8-oz. jars and subsequently repacked at Los Angeles.

LIBELED: 3-30-64, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments, insect parts, and insect pupae when shipped.

DISPOSITION: 4-29-64. Default—destruction.

29756. Sweet banana peppers and hot banana peppers. (F.D.C. No. 49807. S. Nos. 50-940 A, 51-141/2 A.)

QUANTITY: 40 cases, each containing 12 1-pt. jars, and 31 cases, each containing 12 1-qt. jars of hot banana peppers; and 29 cases, each containing 12 1-qt. jars of sweet banana peppers, at Bedford Heights, Ohio.

SHIPPED: 1-9-64 and 1-31-64, from Bridgeport, Mich., by Crown Foods, Inc.

LABEL IN PART: (Jar) "Seaway Hot [or "Sweet"] Banana Peppers Contains Peppers, Distilled Vinegar, Salt, Spices, Alum, Tumeric and 'Polysorbate 80' Distributed by Seaway Foods, Inc., Cleveland Ohio."

RESULTS OF INVESTIGATION: The articles consisted of yellow and/or red peppers in a yellow liquid which contained the color additive FD&C Yellow No. 5.

LIBELED: 2-20-64, N. Dist. Ohio.

CHARGE: 403(k)—when shipped, the article contained artificial coloring, namely, FD&C Yellow No. 5, and its label failed to state this fact.

DISPOSITION: 3-26-64. Default—ordered delivered to charitable institutions.

29757. Sauerkraut. (F.D.C. No. 50258. S. No. 68-706 A.)

QUANTITY: 600 1-lb. 12-oz. Pliofilm bags at Minneapolis, Minn.

SHIPPED: 6-16-64, from Waterloo, Wis., by J. G. Van Holten & Son, Inc.

LABEL IN PART: (Bag) "Noon Hour Brand * * * Kraut * * * Distributed by Noon Hour Food Products Chicago 6, Ill."

LIBELED: 7-17-64, Dist. Minn.

CHARGE: 402(a)(3)—contained insects, insect fragments, and maggots when shipped.

DISPOSITION: 8-31-64. Default—destruction.

29758. Dehydrated potato flakes. (F.D.C. No. 48809. S. No. 32-935 V.)

QUANTITY: 213 cases, each containing 24 7-oz. pkgs., at Los Angeles, Calif., and 139 cases, each containing 24 7-oz. pkgs., at San Fernando, Calif.

SHIPPED: Between 11-20-62 and 3-4-63, from Barnesville, Minn., by Gateway Flakes, Inc.

LABEL IN PART: (Pkg.) "Gateway Farms Instant Whipped Potato Flakes 12 Big Servings 7 Ounces Net Weight * * * 2 Foil Fresh Envelopes—6 Servings in each * * * One envelope serves 6: Double Recipe to serve 12 * * * Make ½ cup according to single serving recipe * * * Gateway Flakes, Inc., Plant, Barnesville, Minnesota"; (envelopes inside pkg.) "3½ Oz. Net. Gateway Farms Instant Whipped Potato Flakes Directions: * * * One Envelope serves 5 Double Recipe to serve 10 * * * Gateway Farms Inc. Barnesville, Minn. Sales Office, Minneapolis, Minn."

LIBELED: 3-14-63, S. Dist. Calif.; libel amended on or about 3-20-64.