CHARGE: 403(a)—when shipped, the labeling of the article was false and misleading since the statements on the package label, "12 big servings" and "One envelope serves 6: Double recipe to serve 12" were inconsistent with the statement on the envelope label, "One envelope serves 5—Double recipe to serve 10"; and 403(a)—the labeling was also false and misleading since the article contained in each envelope sufficient hydrated potato material, in fact, to make only five ½ cup servings and not six ½ cup servings as represented and suggested by the package label statements "12 big servings" and "One envelope serves 6: Double recipe to serve 12."

DISPOSITION: On 5–2–63, Gateway Flakes, Inc., Barnesville, Minn., filed a claim to the article, and an answer that denied that the article was misbranded. On 5–3–63, pursuant to stipulation, the proceedings were removed for trial to the District of North Dakota. Thereafter, pursuant to stipulation, the libel was amended to charge that the package label and envelope label were inconsistent, and the claimant withdrew its claim. On 4–27–64, a default decree of condemnation was entered and the article was donated to various charitable institutions.

29759. Pickled chili peppers. (F.D.C. No. 49601. S. No. 31–230 X.)

QUANTITY: 104 cases, each containing 48 cans, at Los Angeles, Calif.

SHIPPED: 5–21–63, from Tijuana, Mex., by Almacenes De Tijuana.

LABEL IN PART: (Can) "Embasa Pickled Serranos Chili Peppers Product of Mexico * * * Ingredients: * * * Un Producto De Empacadora Del Bajio, S.A. * * * Net Weight 8 Ounces."

RESULTS OF INVESTIGATION: Examination showed that the article was approximately 10 percent short weight.

LIBELED: 1–22–64, S. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the label of the article failed to bear a label containing an accurate statement of quantity of contents since label statement "Net Weight 8 Ounces" was inaccurate.

DISPOSITION: 4–20–64. Consent—claimed by Stone Brokerage Co., for export to the original shipper.

29760. Sweet pickles and dill pickles. (F.D.C. No. 49538. S. Nos. 21–931 T, 23–105 X.)

INFORMATION FILED: 1–21–64, Dist. Colo., against American Products Co., a partnership, and Morris Ginsburg, partner, Denver, Colo.

SHIPPED: Between 7–9–62 and 6–28–63, from Denver, Colo., to Salt Lake City, Utah, and Amarillo, Tex.

LABEL IN PART: (Jars) "AP Contents 12 Fl. Ozs. Sweet Pickles Packed By American Products Co., Denver, Colorado"; (drum and tin) "Straight Cut ⅛ Kosher Golden Light Brand Kosher Style Dill Pickles Contents 50 [or "5"] Gallons Golden Light Coffee & Equipment Co. Amarillo · Lubbock."

CHARGE: 403(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

PLEA: Nolo contendere by the partnership to counts involving both articles, and by Ginsburg to 1 count involving the sweet pickles.

DISPOSITION: 9–11–64. Ginsburg—$500 fine suspended, and probation for 1 year; partnership—$1,000 fine of which $500 was suspended, and probation for 1 year.