

220 pounds of fruit to each 55 pounds of sugar, and having a soluble solids content of less than 65 percent, had been substituted for peach preserves, a food for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for peach preserves, since the soluble solids content of the article was less than 65 percent.

DISPOSITION: March 25, 1947. The Mary Ann Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

12554. Misbranding of peach jam. U. S. v. 11 Cases * * *. (F. D. C. No. 21628. Sample No. 54577-H.)

LIBEL FILED: November 8, 1946, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about July 12, 1946, by the H. T. Hackney Co., from Murphy, N. C.

PRODUCT: Peach jam. 9 cases, each containing 12 2-pound, 4-ounce jars, and 2 cases, each containing 6 4-pound, 4-ounce jars, at Chattanooga, Tenn.

LABEL, IN PART: "Pisgah Maid * * * Peach Jam Peaches with Sugar and Cane Syrup Added Pisgah Maid Foods—Canton, N. C."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for peach jam because its soluble solids content was less than 65 percent, and because it contained cane sirup and was prepared from dried peaches, which are not permitted as optional fruit and saccharine ingredients of peach jam under the definition and standard.

DISPOSITION: March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

12555. Misbranding of kumquat preserves, preserved cherry kumquats, and spiced kumquats. U. S. v. 44 Jars, etc. (F. D. C. No. 23554. Sample Nos. 83128-H to 83130-H, incl.)

LIBEL FILED: August 8, 1947, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 26, 1947, by the Wholesale Novelty Products, Inc., from Arcadia, Fla.

PRODUCT: 44 jars of kumquat preserves, 33 jars of preserved cherry kumquats, and 42 jars of spiced kumquats, at Louisville, Ky.

LABEL, IN PART: "Marse Chan Kumquats Preserves [or "Preserved Cherry Kumquats," or "Spiced Kumquats"] Net Weight 16 ounces."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents (The articles were short-weight.); and, Section 403 (f), the statement of the quantity of the contents was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use (The statement was in small type and practically illegible.).

Further misbranding, Section 403 (a), the label designation "Preserves," with respect to the kumquat preserves, was false and misleading as applied to this article (The article was not a preserve, since it contained only 32 percent soluble solids.); and, Section 403 (i) (2), the cherry kumquats and spiced kumquats were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: September 30, 1947. Default decree of condemnation. The products were ordered delivered to a charitable institution, for consumption by its inmates.

12556. Adulteration and misbranding of jelly. U. S. v. 18 Cases * * *. (F. D. C. No. 23727. Sample Nos. 85670-H, 85671-H.)

LIBEL FILED: On or about October 6, 1947, Western District of Virginia.

ALLEGED SHIPMENT: On or about August 14, 1947, by the Keller Food Products Co., from Philadelphia, Pa.

PRODUCT: 18 cases of apple-grape jelly and 18 cases of apple-cherry jelly at Bristol, Va. Each case contained 24 12-ounce jars.

LABEL, IN PART: (Jar) "Keller's Pure Apple Grape [or "Cherry"] Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids had been substituted for apple-grape jelly and apple-cherry jelly.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for apple-grape jelly and apple-cherry jelly, since the soluble solids content of the articles was less than 65 percent, the minimum permitted by the definitions and standards.

DISPOSITION: December 1, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

12557. Adulteration and misbranding of red raspberry jelly. U. S. v. 15 Cases * * * (F. D. C. No. 24287. Sample No. 4249-K.)

LIBEL FILED: On or about January 9, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about October 10, 1947, by the Cape Cod Preserving Kitchens, from Medfield, Mass.

PRODUCT: 15 cases, each containing 24 10-ounce jars, of red raspberry jelly at Providence, R. I.

LABEL, IN PART: "Cape Cod Kitchens Old Fashioned * * * Red Raspberry Jelly Contains Raspberries, Sugar, Water, Apple Concentrate, Fruit Acid Net Weight 10 Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice and containing added phosphoric acid or acid phosphate had been substituted for red raspberry jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for jelly. The product had been made from a mixture composed of less than 45 parts by weight of the fruit juice ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard, and it contained phosphoric acid or acid phosphate, which are not permitted as ingredients in the standard. Further misbranding, Section 403 (a), the statement on the label "Apple Concentrate" was false and misleading as applied to a product which contained no apple concentrate.

DISPOSITION: February 11, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

12558. Adulteration and misbranding of guava jelly. U. S. v. 13 Cases * * * (F. D. C. No. 24128. Sample No. 633-K.)

LIBEL FILED: December 11, 1947, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 11, 1947, by Grant-O Marmalades & Jellies, from St. Petersburg, Fla.

PRODUCT: 13 cases, each containing 24 16-ounce jars, of guava jelly at Eastman, Ga.

LABEL, IN PART: "Grant-O Home Made Guava Jelly."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in fruit juice had been substituted in whole or in part for guava jelly.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity prescribed for guava jelly, since it had been made from a mixture composed of less than 45 parts by weight of fruit juice to each 45 parts by weight of the saccharine ingredient.

DISPOSITION: January 27, 1948. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to the American Red Cross.

VEGETABLES

12559. Adulteration of frozen green beans. U. S. v. 2,227 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 20830, 20876. Sample Nos. 44343-H, 70504-H to 70509-H, incl., 70520-H to 70523-H, incl., 70525-H.)

LIBELS FILED: September 3 and 12, 1946, Southern District of California.