us hold that when the Administrator standardizes the ingredients of a food, no imitation of that food can be marketed which contains an ingredient of the original and serves a similar purpose. If Congress wishes to say that nothing shall be marketed in likeness to a food as defined by the Administrator, though it is accurately labeled, entirely wholesome, and perhaps more within the reach of the meager purse, our decisions indicate that Congress may well do so. But Congress has not said so. It indicated the contrary. Indeed, the Administrator's contemporaneous construction concededly is contrary to what he now contends. We must assume his present misconception results from a misreading of what was written in the Quaker Oats case.

"Reversed."

Mr. Justice DOUGLAS, with whom Mr. Justice BLACK concurs, dissenting: "The result reached by the Court may be sound by legislative standards. But the legal standards which govern us make the process of reaching that result tortuous to say the least. We must say that petitioner's 'jam' purports to be 'jam' when we read § 403 (g) and purports to be not 'jam' but another food when we read § 403 (c). Yet if petitioner's product did not purport to be 'jam,' petitioner would have no claim to press and the Government no objection to raise."

17635. Adulteration and misbranding of jelly. U. S. v. Dixie Preserves, Ltd. Plea of nolo contendere. Fine, $450. (F. D. C. No. 30581. Sample Nos. 57857–K to 57859–K, incl., 57863–K, 57864–K, 67756–K, 71053–K, 71054–K, 86184–K, 86419–K.)

INFORMATION FILED: June 18, 1951, Southern District of California, against Dixie Preserves, Ltd., a corporation, Los Angeles, Calif.

ALLEGED SHIPMENT: Within the period from on or about April 4 to September 21, 1950, from the State of California into the Territory of Hawaii and the States of Idaho and Arizona.

LABEL, IN PART: "Dixie Brand Pure Jelly Quince [or "Currant," "Loganberry," "Red Raspberry," "Blackberry," or "Strawberry"] Dixie Preserves Ltd. Los Angeles Calif. Net Wt. 12 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, fruit juices, had been in part omitted from the products; and, Section 402 (b) (2), articles deficient in fruit juice had been substituted in whole or in part for quince, currant, loganberry, red raspberry, blackberry, and strawberry jellies.

Misbranding, Section 403 (g) (1), the products failed to conform to the definition and standard of identity for quince, currant, loganberry, red raspberry, blackberry, and strawberry jellies since the products were made from mixtures composed of less than 45 parts by weight of the fruit juice ingredients to each 55 parts by weight of one of the optional saccharine ingredients specified in the definition and standard.

DISPOSITION: August 6, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $450.

VEGETABLES

17636. Misbranding of canned asparagus. U. S. v. 74 Cases * * *. (F. D. C. No. 30904. Sample No. 1306–L.)

LIBEL FILED: April 9, 1951, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 31, 1951, by the A. & P. Tea Co., from Oakland, Calif.

PRODUCT: 74 cases, each containing 48 1-pound cans, of asparagus at Atlanta, Ga.