PRODUCT: 42 cases, each containing 24 jars, of peach preserves at Central City, Ky. Examination showed that the product was short-weight.

LABEL, IN PART: "Top-Notch Pure Peach Preserves Net Weight 1 Lb."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product of less than 65 percent soluble solids content had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the jars contained less than the declared weight; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for peach preserves since it had not been concentrated by heat to such point that its soluble solids content was not less than 65 percent.

DISPOSITION: October 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8608. Misbranding of assorted jellies. U. S. v. The Phillips Co., Inc. Plea of guilty. Fine, $300 and costs. (F. D. C. No. 14267. Sample Nos. 38401–F, 54897–F to 54900–F, incl., 86704–F, 86705–F, 86707–F, 86709–F.)

INFORMATION FILED: June 18, 1945, Northern District of Illinois, against the Phillips Co., Inc., Chicago, Ill.

ALLEGED SHIPMENT: Between May 5 and September 7, 1944, from the State of Illinois into the State of Wisconsin.

LABEL, IN PART: "Phillips Blackberry [or "Red Raspberry," "Strawberry," "Currant," or "Cherry"] Jelly," or "United Brand * * * Pure Apple [or "Red Raspberry," "Strawberry," or "Blackberry"] Jelly Distributed by United Food Sales Milwaukee, Wis."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for blackberry, red raspberry, strawberry, currant, cherry, and apple jellies in that they were made from mixtures composed of less than 45 parts by weight of one of the optional saccharine ingredients specified in the regulations; they contained added water and phosphoric acid or acid phosphate, which are not permitted as optional ingredients in the definition and standard of identity for jellies; and, with the exception of one lot of the blackberry and one lot of the red raspberry jelly, they had not been concentrated by heat to such a point that the soluble solids content of the finished jellies was not less than 65 percent.

DISPOSITION: September 27, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of $300 and costs was imposed.

VEGETABLES AND VEGETABLE PRODUCTS

8609. Misbranding of canned green beans. U. S. v. 98 Cases of Canned Green Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15933. Sample No. 28723–H.)

LIBEL FILED: May 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about November 29, 1944, by the Royal Canning Co. of Oregon, from Silverton, Oreg.

PRODUCT: 98 cases, each containing 24 1-pound, 3-ounce cans, of cut green beans at Bellingham, Wash.

LABEL, IN PART: "Ropak Brand Blue Lake Variety Short Cut Green Beans [vignette of a dish containing middle cuts of green beans]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a dish containing middle cuts of green beans, and the label statement "Short Cut Green Beans," were misleading as applied to a product which consisted mainly of tips and end cuts of green beans.

DISPOSITION: August 23, 1945. The Royal Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled in conformity with the law, under the supervision of the Food and Drug Administration.

8610. Adulteration of kidney beans. U. S. v. 49 Bags of Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 16263. Sample No. 24394–H.)

LIBEL FILED: June 2, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1944, by the Gulley Grocery Co., from Moss Point, Miss.