been substituted for pineapple-apricot, raspberry, boysenberry, and strawberry preserves, respectively.

Misbranding, Section 403 (e) (2), the labels of the articles failed to contain an accurate statement of the quantity of the contents since the articles were short of the declared weight; and, Section 403 (g) (1), the articles failed to conform to the definition and standard of identity for the preserves since the soluble solids content was less than that prescribed by the standard.

DISPOSITION: August 8, 1947. Default decree of condemnation. Product ordered delivered to a charitable institution.

12352. Adulteration and misbranding of Strawberry Treet and peach topping. U. S. v. 9 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22938, 22939. Sample Nos. 76828–H, 76858–H.)

LIBELS FILED: April 22, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about January 28 and 31 and March 18, 1947, by the Lano Food Products Co., from Minneapolis, Minn.

PRODUCT: 9 cases of Strawberry Treet and 12 cases of peach topping at Milbank and Aberdeen, S. Dak., respectively. Each case contained 12 19-ounce jars. The products were packed in transparent glass jars and had the appearance of strawberry and peach preserves, respectively.

LABEL, IN PART: "Edd Leon's Strawberry Treet [or "Peach Topping"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), (Strawberry Treet) a substance consisting essentially of strawberries and sugar and containing added phosphoric acid, and having a soluble solids content of less than 68 percent, had been substituted in whole or in part for strawberry preserves; (peach topping) a substance consisting essentially of a mixture of peaches and sugar, and containing added phosphoric acid, and having a soluble solids content of less than 65 percent, had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (g) (1), the articles purported to be peach and strawberry preserves and failed to conform to the definition and standard of identity therefor since the soluble solids content of the articles was less than the minimum required by the standard and since they contained added phosphoric acid, which is not permitted as an ingredient of peach and strawberry preserves in such definition and standard.

DISPOSITION: June 9, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to charitable institutions.

12353. Adulteration of apple butter. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, $100. (F. D. C. No. 23304. Sample Nos. 30458–H, 48293–H, 72691–H, 72692–H.)

INFORMATION FILED: August 20, 1947, District of Utah, against Hewlett Bros. Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: On or about January 13, February 28, and March 14, 1947, from the State of Utah into the States of Colorado, Nevada, and Oregon.

LABEL, IN PART: "Hewlett's Pure Apple Butter."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for apple butter since it had not been concentrated by heat to such a point that its soluble solids content was not less than 43 percent, and since it contained benzoate of soda which is not permitted as an optional ingredient of apple butter.

DISPOSITION: August 29, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of $100 was imposed.

12354. Misbranding of apple butter. U. S. v. Delta County Canning Co. Plea of guilty. Fine, $250. (F. D. C. No. 23235. Sample No. 91506–H.)

INFORMATION FILED: September 3, 1947, District of Colorado, against Delta County Canning Co., a corporation, Delta, Colo.

ALLEGED SHIPMENT: On or about December 11, 1946, from the State of Colorado into the State of Kansas.

LABEL, IN PART: "Town Talk * * * Apple Butter Packed for The Stone-Hall Co. Denver, Colo."