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.