

or in part of a poisonous or deleterious substance which might have rendered it injurious to health.

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**495. Misbranding of confectionery. U. S. v. 988 Boxes of Colonial Maid Confection. Default decree of condemnation and destruction. (F. D. C. No. 595. Sample No. 73931-D.)**

These packages each contained a quantity of candy and a prize, the two together occupying on the average slightly less than one-half of the capacity of the package.

On September 14, 1939, the United States attorney for the District of Massachusetts filed a libel against 988 boxes of Colonial Maid Confection at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by the Casey Concession Co. from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Colonial Maid Confection \* \* \* One Ounce or Over."

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**496. Adulteration and misbranding of candy. U. S. v. 15½ Dozen Boxes of Mrs. Murray's Summer Confections and 3 Cases of Mrs. Murray's Creamy Caramellettes. Default decree of condemnation. Product delivered to charitable institutions. (F. D. C. Nos. 665, 666. Sample Nos. 66690-D, 66691-D.)**

The Summer Confections contained little or no chocolate, little or no fruit, and little or no butter, ingredients which the labeling represented were present in the article. Their containers had false bottoms and extension edges, and were wrapped in colored cellophane, which created the impression that each box was larger than it was. Furthermore, the candy occupied not more than 28 percent of the capacity of the box. The Creamy Caramellettes consisted of taffy candy wrapped in paper with twisted ends. The candy, when closely packed, occupied slightly more than one-half of the capacity of the box. The declaration of weight on the boxes of the Creamy Caramellettes was incorrect and the statement of contents on the box of the Summer Confections gave no accurate indication of the amount of food in the package.

On or about November 3, 1939, the United States attorney for the Western District of Missouri filed libels against the above-stated quantities of candy at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by the Casey Concession Co. from Chicago, Ill.; and charging that it was misbranded and that one lot was also adulterated.

The product labeled "Summer Confections" was alleged to be adulterated in that an article containing little or no chocolate, fruit, or butter had been substituted wholly or in part for it. It was alleged to be misbranded in that the statement on the label, "Orchard Fruits \* \* \* Marmalades Butter Cream Chocolates Opera Fruit Nougats Tropical Fruit Rolls," was false and misleading since these ingredients were not present. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents, since the statement "Contents 15 Pieces or Over" gave no accurate indication of the amount of food in the package.

The product labeled "Creamy Caramellettes" was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement "Net Weight 10 Ozs. or Over" was false or misleading, since the packages did not contain 10 ounces but did contain a smaller amount. It was alleged to be misbranded still further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

**497. Misbranding of candy. U. S. v. 6 Boxes, 56 Boxes, and 9 Boxes of Candy. Consent decree of condemnation. Product ordered delivered to a Government hospital. (F. D. C. Nos. 854, 855, 856. Sample Nos. 70683-D, 70684-D, 70685-D.)**

One lot of candy labeled "Sweet's Salt Lake Cordial Cherries" was contained in cardboard boxes with extension edges and with a false bottom  $\frac{7}{16}$  inch