

945. Misbranding of candy. U. S. v. 34 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 798. Sample No. 75698-D.)

This candy occupied less than one-half the available space in the box.

On October 24, 1939, the United States attorney for the Eastern District of Tennessee filed a libel against 34 cartons, each containing 200 boxes, of candy at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce on or about October 2 and 5, 1939, by Marvel Candy & Novelty Co. from New York, N. Y.; and charging that the article was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Jumbo Package."

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

946. Misbranding of candy. U. S. v. 81, 42, and 41 Boxes of Candy. Default decrees ordering product destroyed or distributed to charitable institutions. (F. D. C. No. 1548. Sample Nos. 91234-D, 91235-D, 91236-D.)

One lot of this product was loosely packed in flat cardboard cartons with extension edges and cardboard dividers. A second lot was in cartons each containing 2 layers, with 18 pieces in the top layer and only 12 pieces in the bottom layer, separated by cardboard dividers. In the third lot, the boxes had extension edges and a cardboard insert about $\frac{1}{2}$ inch wide at each end; there were two layers of candy, the lower layer being loosely packed because of cardboard dividers.

On February 29, 1940, the United States attorney for the District of Minnesota filed libels against 164 boxes of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about September 29, 1939, to on or about January 9, 1940, by the Boulevard Candy Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part variously: "Coronet Assorted Sweets"; "Boulevard Creamed Brazil Nuts"; or "Moderne Chocolates."

On August 13, 1940, no claimant having appeared, judgments were entered *nunc pro tunc* as of April 11, 1940, condemning the product but ordering that it might be delivered to a charitable institution in lieu of destruction.

947. Misbranding of candy. U. S. v. 111 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2283. Sample No. 30801-E.)

Examination showed that this candy was wrapped in paper with unnecessarily long twisted ends, and that if packed without the use of an unnecessary amount of paper, it would have occupied less than 70 percent of the space in the container. It also was short of the declared weight.

On June 29, 1940, the United States attorney for the Northern District of Indiana filed a libel against 111 boxes of candy at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by the Casey Concession Co. from Chicago Ill.; and charging that it was misbranded. It was labeled in part: "Mrs. Murray's * * * Creamy Caramelles Net Weight 10 Ozs."

It was alleged to be misbranded in that the statement "Net Weight 10 Ozs." was false and misleading in that it was not correct, and in that it was in package form and the package did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On August 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

948. Misbranding of candy. U. S. v. 78 Cases of Candy. Default decree of condemnation. Product ordered sold to a charitable organization. (F. D. C. No. 1125. Sample No. 61177-D.)

The boxes in which this product was packed contained two layers of chocolate-covered cherries in individual paper cups; the upper layer contained 12 pieces and the lower layer only 8 pieces. The net weight was less than 1 pound, the weight declared on the label.

On February 28, 1940, the United States attorney for the Northern District of Texas filed a libel against 78 cases of candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Hollander, Inc., from Holland, Mich.; and charging that it was misbranded. It was labeled in part: "Van Der Zee Holland Michigan Chocolate Covered Cherries, Van Dyke Package."