

on or about October 13, 1941, by Lewis Sales Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: (Packages) "Chocolate Covered Rum & Butter Thins \* \* \* Terry Candy Company, Elizabeth, New Jersey."

On December 11 and 16, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2974. Adulteration of candy. U. S. v. 5 Boxes, 3 Boxes, 25 Boxes, 21 Boxes, and 42 Boxes of Candy (and 2 other seizure actions against candy). Decrees of condemnation and destruction.** (F. D. C. Nos. 6181, 6185, 6219, Sample Nos. 59059-E, 59062-E, 59063-E, 70201-E to 70205-E, incl., 74711-E.)

Examination showed that this product contained rodent hairs, and insects and insect fragments.

On November 7, 10, and 17, 1941, the United States attorneys for the Northern District of Georgia, District of Maryland, and the Southern District of New York filed libels against 96 boxes of candy at Atlanta, Ga., 264 boxes at Baltimore, Md., and 126 boxes at New York, N. Y., alleging that the article had been shipped on or about September 25 and 27, 1941, by Tower Candy Co. from Philadelphia, Pa.; and charging that it was adulterated. It was labeled in part: "Blk Walnut [or "Carmels," "Vanilla Creams," "L. Good," "L. Lunch Roll," "Mints," "Maple Cream," "Jelly," "D. Goodies," "L. Goodies," "Pineapple Creams," "Brazil Nuts," "Cocoanut Creams," "Peanut Chew," or "Chips"] "High Grade Chocolates."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 18 and December 19, 1941, and January 5, 1942, the Tower Candy Co. having consented to condemnation of the product seized at Baltimore, and no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

**2975. Misbranding of candy. U. S. v. 20 Dozen Boxes and 12 Dozen Boxes of Candy (and 4 other seizure actions against candy). Default decrees of condemnation. Product ordered delivered to charitable institutions.** (F. D. C. Nos. 4914, 4915, 4977, 5426, 5608. Sample Nos. 56699-E, 69996-E, 69997-E, 69999-E, 70000-E, 74268-E, 74306-E to 74308-E, incl.)

A portion of this product was short weight, and the containers in all lots were deceptive. It was misbranded further as indicated below.

Between June 17 and September 2, 1941, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against the following quantities of candy: 32 dozen boxes at Paterson, 48 dozen boxes at Union City, 424 boxes at Irvington, and 302 boxes at Newark, N. J.; and 9 cases, each containing 100 packages, at Hartford, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about May 15 to on or about August 18, 1941, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Hollywood Chocolates Net Weight 6 Oz."; "Duplex Assortment Rum and Butter and Assorted Chews \* \* \* Net Weight 4 Oz."; "Duplex Assortment Gums & Chews Net Weight 5 Oz."; "Gum Joy Assortment Net Weight 4 Oz."; or "Social Sweets Gums & Chews Net Weight 8 Oz."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading, since the boxes were too large for the amount of candy they contained and the candy did not occupy a reasonable amount of the available space. Portions of the article were alleged to be misbranded further: (9 cases) (1) In that the statement "Net Weight 4 Oz." was false and misleading, and (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents. Certain lots were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, the statement of quantity of contents, and the statement of ingredients, required by law to appear on the label or labeling, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

Between September 23 and November 19, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered distributed to charitable institutions.

Nos. 2976 to 2978 report the seizure and disposition of candies which were represented to be efficacious in the treatment of obesity but which consisted substantially of caramel candy and which would furnish about the same amount of calories as that type of candy.

**2976. Misbranding of Ayds Candy. U. S. v. 17 Boxes of Ayds Candy. Default decree of condemnation and destruction.** (F. D. C. No. 4269. Sample No. 28268-E.)

On April 9, 1941, the United States attorney for the District of Columbia filed a libel against 17 boxes of Ayds Candy, alleging that the article was in interstate commerce in the District of Columbia at the Vita Health Food Co., in the City of Washington, District of Columbia; and charging that it was misbranded.

The article was alleged to be misbranded (1) in that representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading since they were incorrect; and (2) in that the combination of letters "Ayds Candy," appearing on the package label, constituted a false and misleading device since it meant to purchasers that the article was an appropriate and effective aid in reducing body weight—having acquired such meaning because of statements and designs appearing in a circular bearing the title legends "Now! Many Lose Weight by New, Easy Plan. Ayds Easy Reducing Plan and Candy"; whereas the candy was not an effective and appropriate aid in reducing body weight.

It was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 593.

On May 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2977. Misbranding of Slend-R-Form Candy. U. S. v. 58 Boxes of Slend-R-Form. Default decree of condemnation and destruction.** (F. D. C. No. 4290. Sample Nos. 24696-E, 31283-E.)

On April 17, 1941, the United States attorney for the Northern District of Illinois filed a libel against 58 boxes of Slend-R-Form Candy at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1941, by Thomas Martindale & Co. from Philadelphia, Pa.; and charging that it was misbranded. This was a returned shipment and was part of a lot originally shipped to Philadelphia by Riley Products, Inc., from Chicago, Ill.

The article was alleged to be misbranded in that the representations in the labeling regarding its efficacy in effecting reduction of body weight in the consumer were false and misleading.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 595.

On June 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2978. Misbranding of Slend-R-Form Candy. U. S. v. 9¼ Dozen Boxes of Slend-R-Form Candy (and 12 other seizure actions against Slend-R-Form Candy). Default decrees of condemnation. Portions of product ordered distributed to charitable institutions; remainder ordered destroyed.** (F. D. C. Nos. 3599, 3916, 3924, 3998, 4017, 4201, 4678, 4768, 5048, 5239, 5240, 5749, 5758. Sample Nos. 5181-E, 11404-E, 22302-E, 38942-E, 39706-E, 43590-E, 44652-E, 47481-E, 52318-E to 52320-E, incl., 55422-E, 55604-E, 58291-E, 79926-E.)

Between December 28, 1940, and September 17, 1941, the United States attorneys for the Eastern District of Missouri, Western District of Washington, Northern District of California, District of Oregon, Southern District of Ohio, Western District of Louisiana, Northern District of Oklahoma, Eastern District of Wisconsin, Southern District of Indiana, and the District of Minnesota filed libels against 9¼ dozen boxes of Slend-R-Form at St. Louis, Mo.; 451 boxes at Seattle, Wash.; 140 boxes at San Francisco, Calif.; 19 dozen boxes at Portland, Oreg.; 140 boxes at Dayton, Ohio; 25 boxes at Appleton, Wis.; 54 boxes at Lake Charles, La.; 24 boxes at Tulsa, Okla.; 126 boxes at Milwaukee, Wis.; 16 boxes at Indianapolis, Ind.; and 274 packages at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about October 28, 1940, to on or about August 7, 1941, by Riley Products, Inc., from Chicago, Ill. On March 10, 1941, the United States attorney for the District of Colorado filed a libel against 8 dozen boxes of Slend-R-Form Candy at Denver, Colo., which had been shipped by the Riley Products, Inc., from Chicago, Ill., on or about December 3, 1940.

The article was alleged to be misbranded in that representations in the labeling regarding its efficacy in effecting a reduction of body weight in the consumer were