

package form and did not bear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On November 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be correctly relabeled and sold by the United States marshal.

1692. Misbranding of candy. U. S. v. 16 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2502. Sample No. 24346-E.)

The foil box wrapper, box, display sticker, and the visible portion of the bar wrapper of this product designated it as "Milk Chocolate and Almonds," but not until after the folded ends of the bar wrapper were opened and the bar was unwrapped did the ingredients statement become visible. Neither the box nor its foil wrapper bore statements of the quantity of contents and of the ingredients.

On August 7, 1940, the United States attorney for the District of New Jersey filed a libel against 16 boxes of candy at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Foil wrapping on box) "Frozen Fifth Avenue 5¢ 24-5¢ bars Milk Chocolate & Almonds."

The article was alleged to be misbranded (1) in that the prominent statement "Milk Chocolate and Almonds" on its box wrapper, box, display sticker, and bar wrapper, was false and misleading since it named only two of the ingredients and this was not corrected by the inconspicuous statement of ingredients on the bar wrapper; (2) in that it was in package form and the box wrapper and box did not contain an accurate statement of the quantity of the contents; and (3) in that the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents and a statement of ingredients, required by law to appear on the label or labeling, were not prominently placed on the bar wrapper 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.

The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and the box wrapper and box did not bear the common or usual name of each such ingredient.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1693. Adulteration of chocolate cherries. U. S. v. 17 Cartons of Chocolate Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3490. Sample No. 55346-E.)

The boxes containing this product had a capacity of 70 cubic inches. The same quantity of cherries could have been placed in a 58-cubic-inch box. The box did not bear a statement of the ingredients, and other labeling required by law was inconspicuously placed on the end panels.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 17 cartons of candy at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about October 2, 1940, by Luden's, Inc., from Reading, Pa.; and charging that it was misbranded. It was labeled in part: (Boxes) "Satin Finish Chocolate Cordial Cherries."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the name and place of business of the manufacturer, and statement of artificial flavoring, artificial coloring, and chemical preservatives, required by law to appear on the label, 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 an ordinary individual under customary conditions of purchase and use. The article was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.