

GIFT PACKAGES OF FOOD

Nos. 4890 to 4899 detail actions involving gift packages of food. These packages were misbranded because of one or more of the following: Deceptive packaging, short weight, and inaccurate labeling.

4890. Misbranding of gift packages of food. U. S. v. Albert Newberg (A. Newberg & Co.) Plea of guilty. Fine, \$1,000 and 4 months in jail. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Albert Newberg, an individual, trading and doing business as A. Newberg & Co. New York, N. Y., alleging shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading, since the trays were enclosed in cellophane which permitted observation of the contents, and since there had been packed in the bottom of the trays a large amount of packing medium which was not visible, so that the trays contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods each of which was fabricated from two or more ingredients and the packages did not bear a label containing the common or usual name of each ingredient of the foods. The information contained 10 other counts involving shipments of gift packages into the States of Louisiana, Texas, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charged that they were misbranded in a manner similar to the shipment of November 20, 1942, into Louisiana.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 and sentenced him to serve 4 months in jail on the first count and ordered that the remaining 10 counts be dismissed.

4891. Misbranding of gift packages of food. U. S. v. Mae K. Wind (R. Wind Co.). Plea of guilty. Fine, \$1,000. (F. D. C. No. 8822. Sample Nos. 7760-F, 7934-F, 8855-F, 8858-F, 8860-F, 9027-F, 9570-F, 9760-F, 13252-F, 19539-F, 18692-F, 32697-F.)

On April 1, 1943, the United States attorney for the Eastern District of New York filed an information against Mae K. Wind, an individual, trading and doing business as R. Wind Co. at Babylon, Long Island, N. Y., alleging in count 1 shipment on or about November 20, 1942, from the State of New York into the State of Louisiana of a quantity of gift packages, each package containing a tray containing an assortment of food. Enclosed in each of said packages was a slip containing the following labeling: "Packed by A. Newberg & Co. Babylon, N. Y. Net Weight 1½ Lbs."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1½ Lbs.," borne on the slip was false and misleading since the packages contained less than 1½ pounds of food; (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (3) in that its containers were so filled as to be misleading since the trays, enclosed in cellophane which permitted observation of the contents, had been packed in the bottom with a large amount of packing medium which was not visible, so that they contained a substantially smaller amount of food than their appearance indicated that they contained; and (4) in that the article consisted of an assortment of foods, each of which was fabricated from two or more ingredients, and the packages did not bear a label containing the common or usual name of each ingredient of said foods. The information contained 10 other counts involving shipments of gift packages into the States of Texas, Louisiana, Connecticut, Massachusetts, Ohio, Minnesota, and Washington; and charging that they were misbranded in manner similar to the shipment of November 20, 1942, into Louisiana.

On April 29, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$1,000 on the first count and ordered that the remaining 10 counts be dismissed.