

boxes) the list of ingredients, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: March 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local institutions, to be used for charitable purposes.

6240. Misbranding of candy. U. S. v. 63 Cartons of Candy. Default decree of condemnation. Product ordered delivered to a government hospital. (F. D. C. No. 11495. Sample No. 66022-F.)

LIBEL FILED: December 24, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On or about November 4, 1943, by Charles N. Miller, from Boston, Mass.

PRODUCT: 63 cartons, each containing 6 packages, of candy at Brooklyn, N. Y.

LABEL, IN PART: "Mackintosh's Quality Street * * * Assortment of Toffees John Mackintosh & Sons Ltd., Inc. Boston, Mass."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 lb. net weight," appearing on the labeling, was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a U. S. Marine Hospital, for consumption and not for sale.

CHOCOLATE AND COCOA PRODUCTS

6241. Adulteration of imitation chocolate and imitation cocoa. U. S. v. 158 Cases of Imitation Chocolate and Imitation Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 11060. Sample Nos. 43072-F, 43073-F.)

LIBEL FILED: On or about December 14, 1943, District of Oregon.

ALLEGED SHIPMENT: On or about June 29, 1943, by the Sheldon Products Co., from San Francisco, Calif.

PRODUCT: 94 cases, each containing 12 1-pound bags, of imitation chocolate, and 64 cases, each containing 12 1-pound bags of imitation cocoa, at Astoria, Oreg.

LABEL, IN PART: (Bags) "Sheldon Food Craft Imitation Chocolate," and "Sheldon Food Craft Imitation Cocoa."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and sand.

DISPOSITION: February 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6242. Adulteration and misbranding of cocoa. U. S. v. 8½ Bags of Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 11620. Sample No. 23654-F.)

LIBEL FILED: January 12, 1944, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 5, 1943, by J. B. Robinson, from Cleveland, Ohio.

PRODUCT: 8½ 100-pound bags of cocoa at Philadelphia, Pa.

LABEL, IN PART: "Dark Cocoa."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture of cacao shells and powdered cacao beans had been substituted in whole or in part for "dark cocoa," which the article purported to be; and, Section 402 (b) (4), cacao shells had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

Misbranding, Section 403 (a), the name "Dark Cocoa" was false and misleading as applied to a mixture of cacao shells, and powdered cacao beans; and, Section 403 (b), the product was offered for sale under the name of another food.

DISPOSITION: February 2, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.