

which comprised approximately 40 percent of the total capacity of the package. The packages held about 30 percent of the amount of food that a completely filled box of the same dimensions would hold.

**LABEL, IN PART:** "Servicemen's Candy Package."

**VIOLATION CHARGED:** Misbranding, Section 403 (d), the container was so filled as to be misleading since the upper tray was not filled to capacity, and there was unfilled space beneath the tray.

**DISPOSITION:** April 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**8491. Misbranding of gift packages of food. U. S. v. 234 Cartons of Gift Packages. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14494. Sample No. 73295-F.)

**LABEL FILED:** November 20, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about August 29, 1944, by Golden Brand Nut Products, Inc., from New York, N. Y.

**PRODUCT:** 234 3-pound gift packages of food at Oakland, Calif.

The packages contained 14 fluted paper cups of cookies, candies, pear paste, a jar of honey, and a jar of cherries arranged around the rim of the package. A rectangular tray, 1 inch deep, covered with yellow cellophane and containing candied fruits and fruit paste, occupied the center of the package. The tray was not filled to capacity, which fact was not readily apparent to the purchaser because of the yellow cellophane cover. Space beneath the tray, ½ inch deep, was unfilled except for two pieces of pear paste supporting the tray.

**LABEL, IN PART:** "Victory Snack Pack."

**VIOLATION CHARGED:** Misbranding, Section 403 (d), the container was so filled as to be misleading since the cellophane-covered tray was not filled to capacity, and there was unfilled space beneath the tray.

**DISPOSITION:** January 26, 1945. Montgomery Ward and Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**8492. Misbranding of vanilla- and chocolate-flavored puddings. U. S. v. 10 Cartons of Vanilla Flavor Pudding and 7 Cartons of Chocolate Flavor Pudding. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 15081. Sample Nos. 5801-H, 5802-H.)

**LABEL FILED:** January 25, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 13, 1944, by the Van Besta Co., from Brooklyn, N. Y.

**PRODUCT:** 10 cartons, each containing 6 dozen packages, of vanilla-flavored pudding; and 7 cartons, each containing 6 dozen packages, of chocolate-flavored pudding at Hoboken, N. J. Examination showed that the products were in the form of powder packaged in paper bags, each bag being enclosed in individual cardboard cartons.

**LABEL, IN PART:** "Van Besta Vanilla [or "Chocolate"] Flavor Pudding."

**VIOLATION CHARGED:** Misbranding, Section 403 (d), the containers of the products were so filled as to be misleading since the vanilla pudding occupied only about 38 percent of the volume of its individual carton, and since the chocolate pudding occupied only about 59 percent of the volume of its individual carton.

**DISPOSITION:** April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

#### VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES\*

**8493. Adulteration and misbranding of wheat germ. U. S. v. Omar, Inc. Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 14304. Sample No. 69657-F.)

**INFORMATION FILED:** March 28, 1945, District of Colorado, against Omar, Inc., Denver, Colo.

**ALLEGED SHIPMENT:** On or about April 25, 1944, from the State of Colorado into the State of New Mexico.

**LABEL, IN PART:** "Omar Toasted Wheat Germ."

\*See also No. 8305.