

business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed on the label with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they were printed on the bottom of the packages; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: May 13 and June 4, 1946. No claimant having appeared, judgments of condemnation were entered. The New Orleans lot was ordered destroyed, and the Los Angeles lot was ordered delivered to a charitable institution.

10946. Misbranding of candy. U. S. v. 40 Cartons * * *. (F. D. C. No. 19330. Sample No. 3691-H.)

LIBEL FILED: March 8, 1946, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 19, 1946, by John F. Birkmeyer and Sons, from Baltimore, Md.

PRODUCT: 40 cartons, each containing 24 2-ounce boxes, of candy at York, Pa. Examination showed that the product consisted of small pieces of candy packed on shredded paper which occupied approximately one-half of the box.

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading, since approximately half of the box was filled with shredded paper.

DISPOSITION: May 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10947. Misbranding of candy. U. S. v. 10 Dozen Baskets * * *. (F. D. C. No. 19270. Sample No. 29200-H.)

LIBEL FILED: March 5, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about January 12, 1946, by Erman-Bach, from New York, N. Y.

PRODUCT: 10 dozen baskets of candy at Oakland, Calif. The baskets were padded with crushed paper. They were large enough to hold at least two layers of candy and gave the appearance of holding that amount, but they were so packed that all of the confectionery was visible. The bottom of each basket bore a stamp purporting to set forth the mandatory information called for by the law.

LABEL, IN PART: (Stamped on bottom of basket) "Marzipan Candy Net Wt. 4 Oz. Ingredients: Almond & Macaroon Paste, Sugar, Corn Syrup, Conf. Glace, Softening Material, U. S. Certified Food Colors."

NATURE OF CHARGE: Misbranding, Section 403 (d), the container of the article was so filled as to be misleading since the basket was large enough to hold two layers of candy, whereas about half of the basket was padded with crushed paper; Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently placed thereon with such conspicuousness as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each ingredient, since "Conf. Glace" and "Softening Material" are not common or usual names of ingredients.

DISPOSITION: April 29, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10948. Adulteration and misbranding of popcorn confection. U. S. v. 38 Boxes * * *. (F. D. C. No. 19219. Sample No. 1080-H.)

LIBEL FILED: February 19, 1946, Western District of North Carolina.

ALLEGED SHIPMENT: On or about October 26, 1945, by the Almonette Candy Co., from Lynn, Mass.

PRODUCT: 38 boxes, each containing 60 ¾-ounce bars, of popcorn confection at Murphy, N. C.