687. Misbranding of candy. U. S. v. 237 Packages of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 799. Sample No. 74039–D.)

Each of the boxes containing this product had a false bottom, nine-sixteenths of an inch in depth, which occupied one-fourth of its capacity. There were two layers of candy in each box, the lower layer containing 2 ounces less than the top.

On or about October 25, 1939, the United States attorney for the District of Connecticut filed a libel against 237 packages of candy at New London, Conn., alleging that the article had been shipped in interstate commerce on or about September 1 and 6, 1939, by Standard Chocolates, Inc., from Boston, Mass.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Dorothy Bradford Assorted Chocolates One Pound * * * Dorothy Bradford Boston, Mass."

On December 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

688. Misbranding of candy. U. S. v. 20 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1726. Sample No. 1617–E.)

The containers of this product were cellophane-wrapped boxes whose tops and bottoms extended about ½-inch beyond the sides. Each one contained two layers of candy, but had a false bottom deep enough to hold a third layer. Furthermore, the statement of the quantity of contents was inconspicuously placed on one end of the boxes.

On March 29, 1940, the United States attorney for the District of Columbia filed a libel against 20 cartons, each containing 24 boxes, of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 17, 1939, by the Cherry Specialty Co. from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: "Sweet-Tooth Chocolates Miniatures Assorted."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of quantity of contents, which the law requires be placed on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by ordinary individuals under customary conditions of purchase and use.

On April 17, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered delivered to charitable institutions for their own use but not for sale.

689. Misbranding of chocolate-covered cherries. U. S. v. 24 Cases and 4 Cases of Chocolate-Covered Cherries. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1650. Sample No. 1301–E.)

This candy was contained in boxes with extension edges about ⅝ inch wide. Each box contained two layers. There were 16 pieces of candy in the upper layer and 8 pieces in the lower. The statement of the quantity of contents was inconspicuously placed on one side of the box and was almost hidden by the extension edge.

On March 15, 1940, the United States attorney for the District of Maryland filed a libel against 24 cases each containing 24 boxes, and 4 cases each containing 20 boxes, of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce in part on or about December 9, 1939, and in part on or about January 26, 1940, by the Cherry Specialty Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part "Moderne Cherries."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of contents, required by the act 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.

On April 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.