and charging that it was misbranded. The article was labeled in part: "Wild Cherry Drops * * * Artificial Flavor U. S. Certified Color Added [in small type]."

It was alleged to be misbranded in that the name "Wild Cherry Drops" was false and misleading as applied to artificially flavored and colored candy drops.

It was alleged to be misbranded further in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. It was alleged to be misbranded further in that the container was so made, formed, or filled as to be misleading.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1387. Misbranding of candy. U. S. v. 12 Dozen Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2004. Sample No. 33807-E.)

These boxes held two layers of chocolate-covered cherries in paper cups separated by cardboard dividers which extended ½ to ⅝ inch beyond the candy on both sides of the boxes. The product was also short of the declared weight.

On May 22, 1940, the United States attorney for the District of New Jersey filed a libel against 12 dozen boxes of candy at Keansburg, N. J., alleging that the article was shipped in interstate commerce on or about May 7, 1940, by G. Cella, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Cameo Cherries * * * Net Weight One Pound."

The article was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; in that its containers were so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1388. Misbranding of candy. U. S. v. 500 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation. Portion of product delivered to charitable institutions, remainder ordered destroyed. (F. D. C. Nos. 1960, 2151, 2652. Sample Nos. 14804-E, 19033-E, 19034-E, 33094-E.)

This case involved various kinds of candy that was packed in deceptive containers. One lot of gum drops was packed in boxes, each of which contained about 3 ounces of candy but which could have held 1 pound of wrapped, or 1½ pounds of unwrapped, gum drops. A second lot consisted of gum drops and taffy packed in boxes each containing 20 pieces of wrapped, loosely packed candy occupying about two-thirds of the space in the box. When shaken down and pressed lightly, the candy filled only about 40 percent of the capacity of the box. A third lot consisted of salt water taffy, which was wrapped in wax paper with twisted ends, and which when pressed down, occupied only about 60 percent of the space in the box. A fourth lot consisted of chocolate candies in cellophane-wrapped boxes with extension edges on the top and bottom. Each layer contained 12 pieces of candy separated by cardboard dividers, which were much too large for the size of the candies.

Between May 14 and August 23, 1940, the United States attorneys for the District of New Jersey and the Western District of Pennsylvania filed libels against 500 boxes of candy at South River, N. J., 2 gross boxes at Union City, N. J., and 166 cartons at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 7 to on or about June 26, 1940, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part variously: "Gum Joy Assortment"; "Duplex Assortment Gums and Chews"; "Venetian Sweets Assorted Chews"; and "Moonbeam Assorted Chocolates."

On September 25 and December 21, 1940, no claimant having appeared, judgments of condemnation were entered. The product seized in the Western District of Pennsylvania was ordered destroyed and that seized in the District of New Jersey was ordered distributed to charitable institutions.