

1883. Adulteration and misbranding of candy. U. S. v. 21 Cases of Chocolate Covered Cordial Cherries. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 3467. Sample No. 31520-E.)

This article contained a nonnutritive substance, sulfur dioxide; and a chemical preservative, sodium benzoate, which was not declared. The boxes containing this product had a capacity of about 73 cubic inches, while the candy could have been placed in a box of 58 cubic inches capacity. The statement of the ingredients was inconspicuously printed in black ink on a blue background on the front of the box.

On December 3, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 21 cases of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 15, 1940, by the Cosmopolitan Candy Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Lady Bess Chocolate Covered Cordial Cherries."

The article was alleged to be adulterated in that it was confectionery and contained a nonnutritive substance, sulfur dioxide.

It was alleged to be misbranded (1) in that its container was so made, formed, or filled as to be misleading; (2) in that the statement of ingredients 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; and (3) in that it contained sodium benzoate, a chemical preservative, and did not bear labeling stating that fact.

On January 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

1884. Adulteration of candy eggs. U. S. v. 71 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 4101, 4102. Sample Nos. 40547-E, 40548-E.)

This product was an egg-shaped hollow candy shell, at one end of which was a glass lens through which paper figures in the interior of the egg could be viewed.

On March 31, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 71 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped on or about February 12 and 19, 1941, by the Panorama Novelty Co. from Baltimore, Md.; and charging that it was adulterated. It was labeled in part: "Panorama Eggs."

The article was alleged to be adulterated in that (1) it consisted in whole or in part of a filthy substance, namely, rodent hairs; (2) it might have been prepared under insanitary conditions whereby it might have become contaminated with filth; and (3) it was confectionery and bore or contained a nonnutritive article, namely, a glass lens.

On April 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1885. Misbranding of candy. U. S. v. 7 Cases of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3901. Sample No. 44030-E.)

This product was short of the declared weight.

On March 3, 1941, the United States attorney for the District of Colorado filed a libel against 7 cases of candy at Denver, Colo., that had been consigned by the Edith Cavell Candy Co. from Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 3, 1940; and charging that it was misbranded. The article was labeled in part: (Packages) "16 Ounces Ye famous Old Southern Style * * * Edith Cavell's Honey Flavored Nut Crisp."

It was alleged to be misbranded in that the statement "16 Ounces" was false and misleading since it was incorrect; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On March 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1886. Misbranding of candy. U. S. v. 98 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 4725. Sample No. 51070-E.)

On May 14, 1941, the United States attorney for the District of Rhode Island filed a libel against 98 boxes of candy at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about March 7, 1941,

from Boston, Mass., by the Liberty Chocolate Co.; and charging that it was misbranded in that the statement "One Pound Net," appearing on the label, was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents. The article was labeled in part: "Fancy Fruits in Cordial Cream Chocolate Covered * * * One Pound Net * * * Mfg. by Liberty Chocolate Co."

On June 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to public or charitable institutions.

1887. Misbranding of chocolate candy. U. S. v. 21 Boxes of Candy. Default decree of condemnation; product ordered distributed to charitable institutions. (F. D. C. No. 3464. Sample No. 38858-E.)

This product was deceptively packaged in that the lower layer was not filled to capacity, the partitions in the lower layer were higher than necessary, and there were two wads of tissue paper between the two layers. Moreover, it fell short of the declared weight and failed to meet certain other labeling requirements of the law.

On December 4, 1940, the United States attorney for the District of Minnesota filed a libel against 21 boxes of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the Cosmopolitan Candy Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Evergreen Season's Greetings * * * Net Weight Five Pounds."

It was alleged to be misbranded (1) in that the statement "Net Weight Five Pounds" was false and misleading since it was incorrect; (2) in that it was in package form and did not bear an accurate statement of the quantity of contents; (3) in that its container was so made, formed, or filled as to be misleading; (4) in that the name and place of business of the manufacturer, packer, or distributor, and the statement of quantity of contents required by law to appear on the labeling were not prominently placed thereon with such conspicuousness (as compared with the other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use; (5) in that its label did not bear the common or usual name of the food; and (6) in that it was fabricated from two or more ingredients and the label did not bear the common or usual name of each ingredient.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 7, 1941, an amended decree was entered, ordering that the candy be distributed to charitable institutions.

1888. Misbranding of candy. U. S. v. 28 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3528. Sample No. 52522-E.)

This product was deceptively packaged in that the bottom layer of candy contained only about 40 pieces, while the upper layer contained an average of 53 pieces; paper cushions were placed between the two layers and in the top of the boxes. Furthermore, the name and address of the manufacturer and the weight statement were inconspicuous.

On December 17, 1940, the United States attorney for the District of Idaho filed a libel against 28 cases of candy at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by the Zion Candy Co. from Zion, Ill.; and charging that it was misbranded. The article was labeled in part: "Zion Happy Home Assorted Chocolates * * * 2½ Pounds Net."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of the contents required by law to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.