

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.