18, 1944, by the McAfee Candy Co., from Macon, Ga.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bar wrapper) "Spanish Peanut Bar 5¢ * * * Net Wt. 2¼ Oz."

It was alleged to be adulterated in that an article which contained puffed wheat in addition to peanuts had been substituted in whole or in part for a "Spanish Peanut Bar," which it purported to be.

It was alleged to be misbranded in that the name "Spanish Peanut Bar" was misleading as applied to an article which contained puffed wheat in addition to peanuts; in that the statement "Net Wt. 2¼ Oz." was false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents.

On June 16, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed by delivery to a charitable institution.

5643. Misbranding of candy. U. S. v. 209 Boxes of Candy. Decree of condemnation. Product ordered delivered to a government institution. (F. D. C. No. 10200. Sample No. 42443–F.)

The boxes were not filled to capacity. They contained 5 pieces of taffy wrapped in wax paper with twisted ends, and at least 2 additional pieces could have been placed in each box.

On July 27, 1943, the United States attorney for the Western District of Washington filed a libel against 209 boxes of candy at Seattle, Wash., alleging that the article had been shipped by R. L. Albert & Son, Inc., in interstate commerce on or about May 13, 1943, from New York, N. Y.; and charging that it was misbranded in that the containers were so filled as to be misleading. The article was labeled in part: "Spray Salt Water Taffy."

On January 5, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government institution.

5644. Misbranding of candy. U. S. v. 15 Cases of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 10716. Sample Nos. 51315–F to 51317–F, incl.)

This product was packed in packages containing 5 or 6 paper-wrapped candy kisses or chocolate-coated candy, and a prize of various kinds. The candy and prize occupied on an average less than half of the available space in the package.

On or about September 15, 1943, the United States attorney for the District of Connecticut filed a libel against 15 cases, each containing 110 packages, of candy at New London, Conn., alleging that the article had been shipped on or about August 12, 13, and 16, 1943, in interstate commerce, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading since the candy and prize occupied less than 50 percent of the available space. The article was labeled in part: (Packages) "Fashion Sweets Assorted Chews * * * Candy Contents Below This Line Novelty Package," or "Nobby Chocolate Crushed Cherry Creams Candy Contents Above This Line."

On November 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

5645. Misbranding of candy. U. S. v. 39 Cartons of Rock Candy Pure Crystals. Decree of condemnation and destruction. (F. D. C. No. 10963. Sample No. 28057–F.)

This product was short-weight.

On October 19, 1943, the United States attorney for the Northern District of Georgia filed a libel against 39 cartons, each containing 20 packages, of rock candy pure crystals at Atlanta, Ga., alleging that the article was shipped on or about September 24, 1943, by Dryden & Palmer, Inc., from Long Island City, N. Y.; and charging that it was misbranded in that the statement "4 Oz. Net," borne on the label, was false and misleading as applied to a product that was short-weight; and in that it was food in package form and its label failed to bear an accurate statement of the quantity of the contents. The article was labeled in part: (Package) "D. & P. Rock Candy Pure Crystals."

On November 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.