ALLEGED SHIPMENT: On or about January 22, 1947, by the Sunshine Peanut Butter Co., from Atlanta, Ga.

PRODUCT: 53 boxes containing 36 1½-ounce candy bars at Charlotte, N. C.

LABEL, IN PART: "Cocoanut Cream Bar Made of * * * Maize."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of cornflakes; and, Section 402 (b) (4), cornflakes had been mixed with the article so as to make it appear better and of greater value than it was, since cornflakes had the appearance of coconut in the product.

Misbranding, Section 403 (a), the label designation "Cocoanut Cream Bar" was misleading as applied to an article containing little, if any, coconut; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of its ingredients, since "Maize" is not the common or usual name for cornflakes.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12036. Misbranding of candy bars. U. S. v. 70 Boxes * * *. (F. D. C. No. 22716. Sample No. 65499–H.)

LIBEL FILED: March 19, 1947, District of Delaware.

ALLEGED SHIPMENT: On or about February 21, 1947, by Lummis & Co., from Philadelphia, Pa.

PRODUCT: 70 boxes each containing 24 candy bars at Laurel, Del. Examination showed that the product was short-weight.

LABEL, IN PART: "Lummis Peanut Bar * * * Net Wt. 1½ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the labeling of the article failed to contain an accurate statement of the quantity of the contents.

DISPOSITION: April 8, 1947. No claimant having appeared, judgment was entered and the product was ordered delivered to a charitable institution.

12037. Misbranding of candy bars. U. S. v. 178 Cartons * * *. (F. D. C. No. 22702. Sample No. 1994–H.)

LIBEL FILED: On or about March 25, 1947, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about February 11 and 18, 1947, by the Premium Candy and Baking Co., from Fayetteville, N. C.

PRODUCT: 178 cartons each containing 30 candy bars at Columbia, S. C.

LABEL, IN PART: "Premium Fudge Bar * * * Net Wt. 1-¾ Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Fudge Bar" was false and misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The product was a peanut candy bar, and it was short-weight.)

DISPOSITION: May 12, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12038. Misbranding of candy mints. U. S. v. 85 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 22499, 22631, 23005. Sample Nos. 41575–H, 67584–H, 82638–H.)

LIBELS FILED: February 6, March 12, and April 29, 1947, Eastern District of Missouri, Western District of Oklahoma, and District of Oregon.

ALLEGED SHIPMENT: On or about November 27 and December 16 and 18, 1946, by the Associated Foods Co., from Philadelphia, Pa.

PRODUCT: Candy mints. 85 cases and 14 cases, each containing 48 8-ounce packages, at St. Louis, Mo., and Oklahoma City, Okla., respectively; and 12 cases, each containing 24 1-pound boxes, at Portland, Oreg. Examination showed that the product was contained in two types of boxes, one of which had a false bottom occupying about 35 to 38 percent of the volume of the box. The other had no false bottom, but the candy occupied only about 78 percent of the volume of the box.

LABEL, IN PART: "Majesty Creamy Mints Net Weight 8 ounces [or "1 Lb."]."