

5133. Misbranding of candy. U. S. v. 141 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions.
(F. D. C. No. 9774. Sample No. 37146-F.)

This product was short-weight.

On April 8, 1943, the United States attorney for the District of Columbia filed a libel against 141 boxes of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 15, 1943, by the Shenandoah Valley Apple Candy Co. from Winchester, Va.; and charging that it was misbranded. The article was labeled in part: "Shenandoah-Valley Apple-Candy Made At The Ridgewood Orchards Winchester, Virginia * * * Contents One Pound Net."

The article was alleged to be misbranded in that the statement "Contents One Pound Net" 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 containing an accurate statement of the quantity of the contents.

On May 3, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

5134. Misbranding of candy. U. S. v. 23 Cartons of Candy (and 3 additional seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 9757, 10117, 10284, 10330. Sample Nos. 3343-F, 20647-F, 20648-F, 21877-F, 52862-F to 52864-F, incl.)

These packages contained a few pieces of candy and a toy. The candy and toy occupied, in some instances, as little as 10 percent of the capacity of the package and, in general, less than one-half the capacity. One lot was short of the declared weight.

From on or about April 20 to July 28, 1943, the United States attorneys for the District of Missouri, the Eastern District of Virginia, the Western District of Pennsylvania, and the District of Massachusetts filed libels against the following quantities of packages containing candy and toys: 23 cartons, each containing 100 packages, of candy at Kansas City, Mo., 203 cartons, each containing 80 packages, of candy at Norfolk, Va., 34 cartons, each containing 100 packages, of candy at McKeesport, Pa., and 165 cartons, each containing 80 packages, of candy at Springfield, Mass. It was alleged that the article had been shipped in interstate commerce within the period from on or about January 23 to June 18, 1943, by the Novel Package Corporation from Brooklyn, N. Y.; and charged that it was misbranded. The article was labeled in part: (Packages) "U. S. Navy Warships," "Remember Pearl Harbor * * * Packed and Distributed By Candyland Company Brooklyn, N. Y.," "Candy & Toy General Douglas MacArthur Packed For and Distributed By Pioneer Specialty Co. Brooklyn, N. Y.," or "U. S. War Planes * * * Keep 'em Flying."

The article was alleged to be misbranded in that the containers were so filled as to be misleading since the candy and toys occupied one-half or less of the volume of the package.

The lot located at Kansas City, Mo., was alleged to be misbranded further in that the statement on the package "Net Weight 1 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 containing an accurate statement of the quantity of the contents.

Between May 17, 1943, and September 20, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5135. Misbranding of candy. U. S. v. 197 Packages of Candy. Default decree of condemnation. Product ordered delivered to welfare organizations.
(F. D. C. No. 9853. Sample Nos. 41645-F, 48061-F.)

This product was short of the declared weight and the packages contained excessive paper packing medium.

On April 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 197 packages of candy at Cincinnati, Ohio, which had been consigned on or about March 26, 1943, alleging that the article had been shipped in interstate commerce by Miss Morris Candies, Inc., from Minneapolis, Minn.; and charging that it was misbranded. The article was labeled in part: "Miss Morris Chocolates Easter Greetings Net Weight 1 Lb."

The article was alleged to be misbranded (1) in that the statement "Net Weight 1 Lb." was false and misleading as applied to an article that was short-weight; (2) in that its container was so filled as to be misleading since the candy occupied