28496. Nestle's Quik. (F.D.C. No. 47377. S. Nos. 11-386/7 T.)

QUANTITY: 1,945 cases, 24 1-lb. cans each; 537 cases, 12 2-lb. 6-oz. cans each, chocolate flavor; and 472 cases, 12 1-lb. cans each, strawberry flavor, at Pittsburgh, Pa.

SHIPPED: 1-7-62 and 2-2-62, from Fulton, N.Y., by Nestle Co., Inc.

LABEL IN PART: (Can) "Nestle's Quik Delicious Chocolate Flavor Fortified with Vitamins C, D_3 and Iron! Mixes Instantly With Milk * * * Ingredients: Sugar, Dutch Processed Cocoa (alkalized); Salt; Lecithin, an emulsifier; Vanillin (artificial) and other flavorings; * * * Prepared by The Nestle Company, Inc., White Plains, N.Y."; (can) "Nestle's Quik Delicious Imitation Strawberry Flavor Fortified With Vitamins C, B_1, and Iron Mixes Instantly With Milk * * * Ingredients: Sugar, Malto-Dextrin, Citric Acid, Salt, Vanillin and other Artificial Flavors, U.S. Certified Color, * * * Prepared by The Nestle Company, Inc., White Plains, N.Y."

LIBELED: 3-12-62, W. Dist. Pa.

CHARGE: 403(a)—when shipped, the label statements which represented and suggested that the articles were adequate and effective (chocolate flavor) to promote healthy teeth and gums, sturdy bones and strong teeth; and healthy blood; and (imitation strawberry flavor) to promote healthy teeth and gums, healthy nerves and skin; and healthy blood; and that it "Keeps you in the pink"; were false and misleading, since the articles were not adequate and effective for such purposes.

DISPOSITION: 4-3-62. Consent—claimed by Nestle Co., Inc., and repacked and relabeled.

MISCELLANEOUS FOODS

28497. Oil of sassafras. (F.D.C. No. 45529. S. No. 68-541 R.)

QUANTITY: 24 lbs., in 1-gal. containers, at El Paso, Tex.

SHIPPED: 3-22-60, from New York, N.Y., by Dodge & Olcott, Inc.

LABEL IN PART: (Container) "Oil Sassafras NF Natural."

RESULTS OF INVESTIGATION: Article was repacked and labeled by the dealer as described above.

LIBELED: 3-28-61, W. Dist. Tex.

CHARGE: 402(a)(2)(C)—when shipped, the article was a food additive, namely, oil of sassafras, which was unsafe within the meaning of 409.

DISPOSITION: On 2-2-62, the claimant, Clint Jones Co., Inc., t/a Duffy's Draft Beverage Co., El Paso, Tex., having contracted to sell the article to Best Sanitary Supply Co., El Paso, Tex., and the court having found that such sale would not be for any use contrary to the provisions of the Act, an order was entered directing that the marshal deliver the article to Best Sanitary Supply Co., and that the libel proceedings be dismissed at the cost of the Government.

28498. Mineral oil. (F.D.C. No. 47156. S. No. 9-876 T.)

QUANTITY: 2 55-gal. drums, 9 1-gal. btls., 12 ½-gal. btls., 40 1-qt. btls., and 35 1-pt. btls., at Rochester, N.Y., in possession of Rochester Drug Cooperative, Inc.

SHIPPED: On an unknown date, from Philadelphia, Pa.

LABEL IN PART: (Btl.) "Extra Heavy Mineral Oil * * * An Intestinal Lubricant * * * Excellent for use as a non-fattening oil in salad dressings * * * Distributed by Rochester Drug Cooperative, Inc. Rochester, N.Y."