

26291. Pistachio nuts. (F.D.C. No. 43407. S. Nos. 22-638 P, 55-900 P, 82-802 P.)

QUANTITY: 7 cases, 2 25-lb. cans each, at Kansas City, Kans.

SHIPPED: Between 6-5-59 and 7-2-59, from New York, N.Y.

LIBELED: 7-28-59, Dist. Kans.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 9-15-59. Consent—claimed by American Pistachio Corp., New York, N.Y., for bringing into compliance with the law.

26292. Pecan topping and walnut topping. (F.D.C. No. 43617. S. Nos. 58-018/9 P.)

QUANTITY: 116 cases, 12 jars each, of pecan topping, and 63 cases, 12 jars each, of walnut topping, at Elizabethport, N.J.

SHIPPED: 9-15-59, from Philadelphia, Pa., by Sea Snack Co.

LABEL IN PART: (Jar) "Choice Pecan Halves, [or "Walnut Pieces"] Maple Flavored Invert Sugar Syrup Net Wt. 7 Oz. Sundae Snack Brand * * * Toppings Pecan [or "walnut"] Manufactured by Sea Snack Co., Phila., Pa."

LIBELED: 10-27-59, Dist. N.J.

CHARGE: 403(a)—the statement on the label of the articles when shipped, namely, "Maple Flavored invert sugar syrup" was false and misleading as applied to the articles which were also flavored with fenugreek, an imitation maple flavor; 403(e) (2)—the articles failed to bear a label containing an accurate statement of the quantity of contents (the articles were short weight); and 403(f)—the information required by 403(e) (1) to appear on the label of the articles, namely, the name and address of the manufacturer, packer, or distributor, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 12-15-59. Default—delivered to charitable institutions.

OLEOMARGARINE

26293. Soy lecithin spread (margarine). (F.D.C. No. 43654. S. Nos. 53-737/40 P.)

QUANTITY: 50 cases, 24 12-oz. ctns. each, and 55 cases, 30 12-oz. pkgs. of 4 cubes each, of salted soy lecithin spread, and 35 cases, 24 12-oz. ctns. each, and 17 cases, 30 12-oz. pkgs. of 4 cubes each, of unsalted soy lecithin, at Los Angeles, Calif.

SHIPPED: 8-6-59, from Riverside, Calif., by Town Food Co., and 8-20-59, from Los Alamitos, Calif. by Sona Food Products Co.

LABEL IN PART: "Town * * * Soy Lecithin Spread Salted [or "Unsalted"]—Margarine"; and "Sona Salted [or "Unsalted"] * * * Soy Lecithin Spread * * * Contains 80% oils of which 71% is unsaturated Margarine."

RESULTS OF INVESTIGATION: Examination showed that the articles resembled oleomargarine and that they were sold in the same State in which they were produced. Examination also showed that the articles contained (Town Brand salted) 0.6 percent lecithin, about 99 percent fat, and less than 1 percent moisture; (Town Brand unsalted) 0.5 percent lecithin, about 99 percent fat, less than 1 percent moisture, and 125 milligrams of sodium per 100 grams;

(Sona Brand salted) 0.1 percent lecithin, about 81 percent fat, and about 15 percent moisture; and (Sona Brand unsalted) 0.1 percent lecithin, 81 percent fat, 18 percent moisture, and an average of 63 milligrams of sodium per 100 grams.

LIBELED: 11-12-59, S. Dist. Calif.

CHARGE: Town Brand salted, 403(a)—when sold and while held for further sale, the name of the article "Soy Lecithin Spread," was false and misleading since it represented and suggested that the article was principally a spread made with soy lecithin and that it contained a significant proportion of lecithin, whereas the article was margarine containing a small amount of lecithin as permitted as an optional ingredient by the standard of identity for margarine; 403(a)—the label statement "With That Good Down-On-The Farm Crock Flavor" was false and misleading since the article was artificially flavored 403(f)—the article was margarine, a food for which a standard of identity had been established, and the name "Margarine" was not prominently placed on its label or labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g) (1)—the article failed to conform to the definition and standard of identity for margarine in that its label did not bear, as required by the definition and standard, the statement "Artificially Colored" or "Artificial Coloring Added" or "With Added Artificial Coloring," and the label of the article also failed to bear the statements "Artificially Flavored" or "Artificial Flavor Added" or "With Added Artificial Flavor."

Town Brand unsalted, 403(a)—when sold and while held for further sale, the name of the article, "Soy Lecithin Spread," was false and misleading since it represented and suggested that the article was principally a spread made with soy lecithin and that it contained a significant proportion of lecithin, whereas the article was margarine containing a small amount of lecithin as permitted as an optional ingredient by the standard of identity for margarine; 403(a)—the label statement "With That Good Down-On-The Farm Crock Flavor" was false and misleading since the article was artificially flavored; 403(f)—the article was margarine, a food for which a standard of identity had been established, and the name "Margarine" was not prominently placed on its label or labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(j)—the article purported to be and was represented for special dietary use by reason of its low sodium content, and its label failed to bear, as required by the regulations, a statement of the number of milligrams of sodium per 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

Sona Brand salted, 403(a)—when sold and while held for further sale, the name of the article, "Soy Lecithin Spread," was false and misleading since it represented and suggested that the article was principally a spread made with soy lecithin and that it contained a significant proportion of lecithin, whereas the article was margarine containing a small amount of lecithin as permitted as an optional ingredient by the standard of identity for margarine; 403(g) (1)—the article failed to conform to the definition and standard of identity for margarine since it contained potassium sorbate, a preservative not permitted by the standard.

Sona Brand unsalted, 403(a)—when sold and while held for further sale, the name of the article, "Soy Lecithin Spread," was false and misleading since it represented and suggested that the article was principally a spread made with soy lecithin and that it contained a significant proportion of lecithin, whereas the article was margarine containing a small amount of lecithin as permitted as an optional ingredient by the standard of identity for margarine; 403(a)—the label statement "16.4 milligrams of Sodium per 100 grams of spread" was false and misleading since the article contained an average of 63 milligrams of sodium per 100 grams; and 403(g) (1)—the article failed to conform to the definition and standard of identity for margarine since it contained potassium sorbate, a preservative not permitted by the standard.

DISPOSITION: 12-9-59. Default—delivered to a charitable institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

26294. Whey-Fers. (F.D.C. No. 42881. S. Nos. 33-019 P, 33-207 P.)

QUANTITY: 124 btls. at New York, N.Y.

SHIPPED: 12-8-58 and 1-29-59, from South Hackensack, N.J., by Schiff Bio-Food Products, Inc.

LABEL IN PART: "100 1½ gram wafers * * * SCHIFF Natural WHEY-FERS. A Nutritious Confection Contains: Whey, Carob, Bone Meal, Yogurt & Natural "D" Schiff Bio Food Products, Inc., So. Hackensack, N.J. * * * WHEY-FERS is a healthful food supplement. Its bone meal portion provides natural minerals; its whey, carob and yogurt portion is rich in lactose, pectin and other carbohydrates noted for their beneficial influence on the intestinal flora. It also contains 6% of biologically high protein as lactalbumin. Half ounce or 10 WHEY-FERS (the recommended daily supply) provides: 400 units natural Vitamin D * * * 750 mg. of natural Calcium * * * 300 mg. of natural Phosphorous * * * WHEY-FERS is also a good source of other minerals natural to carob, whey and bone meal."

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than 10 percent of the declared amount of calcium and less than 20 percent of the declared amount of phosphorous.

LIBELED: 3-19-59, S. Dist. N.Y.

CHARGE: 402(b) (1)—when shipped, the valuable constituents, calcium and phosphorous, had been in whole or in part omitted or abstracted from the article; and 403(a)—the label statements: "Its bone meal portion provides natural minerals * * * Half ounce or 10 WHEY-FERS * * * Provides: * * * 750 mg. of natural calcium * * * 300 mg. of natural Phosphorus * * *" and "Its Whey, carob and yogurt portion is rich in lactose, pectin and other carbohydrates noted for their beneficial influence on the intestinal flora * * *" were false and misleading as applied to the article which contained less than the declared amounts of calcium and phosphorus, and which would not have a beneficial influence on the intestinal flora.

DISPOSITION: 5-15-59. Consent—claimed by Schiff Bio-Food Products, Inc., and brought into compliance with the law by destruction of the ingredients of the bottles and the refilling of the bottles with ingredients conforming to the label specifications.

*See also No. 26204.