LIBELED: 2–9–60, S. Dist. Calif.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, vitamin A, had been in part omitted or abstracted from the article; and 403(a) the label statement "Vitamin A * * * 10,000 USP Units" was false and misleading.

DISPOSITION: 3–2–60. Default—destruction.

26395. Dietetic sirup. (F.D.C. No. 44247. S. No. 42–295 P.)

QUANTITY: 498 cases, 12 12½-oz. btls. each, at Seattle, Wash.

SHIPPED: 12–31–59, from Oakland, Calif., by Shasta Water Co.

LABEL IN PART: (Btl.) "Shasta Dietetic Sugarless Table Syrup Imitation Maple Fortified with Vitamin C Sweetened with Sucaryl Contains: Water, Sorbitol, Sucaryl, Cellulose Gum, Imitation Maple Flavor, Saccharin, Caramel Color, salt, and 1/20 of 1% Benzoate of Soda. Each fluid ounce contains 20 milligrams vitamin C when packed. Contains only 6 calories per teaspoon as carbohydrates. Sucaryl and Saccharin are non-nutritive artificial sweeteners for persons who must restrict their intake of ordinary sweets. * * * Packed by Shasta Water Company, San Francisco, Calif."

LIBELED: 2–17–60, W. Dist Wash.

CHARGE: 403(a)—when shipped, the label statements "Maple Syrup" and "Sugarless Table Syrup" were false and misleading since the article was an imitation maple sirup and since it contained sorbitol, a carbohydrate which was metabolized as sugar; and the label statement "Sweetened with "Sucaryl" was false and misleading since the article was sweetened with sodium cyclohexyl sulfamate, saccharin, and sorbitol; 403(c)—the article was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; 403(f)—the statement of ingredients was not prominently placed on the label 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; 403(i)(2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since "Sucaryl" is not the common or usual name of that ingredient; 403(j)—the article purported to be and was represented as a food for special dietary use in the control of body weight, and its label failed to bear such information concerning its protein, fat, and carbohydrate content as prescribed by regulations as necessary, since its label failed to bear a statement of the percent by weight of protein, fat, and available carbohydrates in such food; and 403(k)—the article contained sodium benzoate, a chemical preservative, and its labeling failed to state the fact that the article contained a chemical preservative.

DISPOSITION: 3–2–60. Consent—claimed by Shasta Water Co., San Francisco, Calif., and relabeled.

26396. Nu-tri Spoon Feeding Mix. (F.D.C. No. 44238. S. No. 35–009 P.)

QUANTITY: 381 25-lb. ctns. at Selinsgrove, Pa.

SHIPPED: 10–16–59, from Suffern, N.Y., by State Products Co.

LABEL IN PART: "State Products, Inc. Nu-Tri Spoon Feeding Prepared Mix The Supplemental Feeding For Everyone A combination of highly nutritious ingredients * * * to supply all nutrients in a balanced diet. Nu-Tri furnishes