DISPOSITION: January 30, 1953. Default decree of condemnation. The court ordered that a portion of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

4137. Misbranding of Lusalfa tonic. U. S. v. 20 Bottles * * *. (F. D. C. No. 35003. Sample No 55118–L.)

LIBEL FILED: April 21, 1953, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 30, 1953, by M. W. Henson, from Huntley, Ill.

PRODUCT: 20 8-ounce bottles of *Lusalfa tonic* at Milwaukee, Wis.

LABEL, IN PART: "Lusalfa Tonic Vitamins Enzymes Digestives—Prepared From Natural Young Alfalfa With Papain, Pepsin; Ox Gall, Hydrochloric Acid Added * * * Manufactured By Walton Laboratory Chicago, Illinois."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Recommended as Regulator for Nervousness, Sleeplessness, Lack of Appetite, Chronic Constipation, and General Debility" was false and misleading since the article would not be efficacious as a regulator for those conditions.

DISPOSITION: May 18, 1953. Default decree of condemnation and destruction.

4138. Misbranding of huckleberry leaves. U. S. v. 3 Bales, etc. (F. D. C. No. 34891. Sample No. 66865–L.)

LIBEL FILED: March 16, 1953, Middle District of Pennsylvania; libel amended April 1, 1953.

ALLEGED SHIPMENT: On or about October 22, 1952, from New York, N. Y.

PRODUCT: 3 225-pound bales of *huckleberry leaves* in bulk and 52 5-ounce labeled canisters and 750 unlabeled canisters of *huckleberry leaves* at Wilkes-Barre, Pa., in the possession of Temple Drugs, together with a number of loose labels reading in part, "Temp-L-Tea" and "Meta Tea." A circular entitled "Read what a friend says about Temp-L-Tea" was attached to each of the labeled canisters.

Analysis showed that the product consisted essentially of dried huckleberry leaves.

LABEL, IN PART: (Canister) "Temp-L-Tea (Vaccinium Myrtillus Dehydrated)."

RESULTS OF INVESTIGATION: The portion of the product contained in the canisters had been repackaged by the consignee from the bales in which such portion was contained when shipped in interstate commerce. It was found that the consignee also repackaged the bulk *huckleberry leaves* into canisters labeled "Meta Tea."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the canister labels and in the above-mentioned circular were false and misleading. The statements represented and suggested that the article was an adequate and effective remedy for diabetes, whereas it was not an adequate and effective remedy for diabetes.

Further misbranding, Section 502 (e) (1), the canister labels failed to bear the common or usual name of the article since "Vaccinium Myrtillus Dehydrated" was not the common or usual name of dried huckleberry leaves.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: May 14, 1953. Default decree of condemnation and destruction.