to what extent they were benefited, and for what maladies they were used," were false and misleading in that they created the impression that the article constituted an appropriate treatment in the conditions mentioned in the "Six and Three News" referred to in said statements, such as disorders of the stomach, liver and kidneys, rheumatism, impure blood, nervous affections, inflammatory rheumatism brought on by kidney troubles, stomach trouble, inflammation of the bladder, liver troubles, Bright's disease, sciatic rheumatism, and nervous indigestion; whereas it was not an appropriate treatment for these conditions and because the label failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use above referred to.

On May 18, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

307. Misbranding of Diabet-Tea. U. S. v. 9 Packages of Diabet-Tea. Default decree of condemnation and destruction. (F. D. C. No. 3084. Sample No. 34721–E.)

The labeling of this product contained false and misleading representations regarding its efficacy in the treatment of diabetes, and it also failed to bear the common or usual name of the drug from which it was made.

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 9 packages of Diabet-Tea at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1940, by the Diabet-Tea Co. from Scranton, Pa.; and charging that it was misbranded.

Analysis showed that the article consisted of ground *Hypericum perforatum*, commonly known as St. Johnswort.

The article was alléged to be misbranded in that the statements appearing on the label, "Nature's Food Diabet-Tea for Diabetes The Contents of this Package has been carefully prepared for the Use of Those who Suffer from Diabetes," were false and misleading. It was alleged to be misbranded further in that the label did not bear the common or usual name of the drug.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

308. Misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13603–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against 4 cases of powdered milk of soya beans, alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: "A nerve, brain and gland rejuvenator * * * for * * * diabetics."

Analysis showed that the product was a mixture of powdered soya beans and powdered milk.

It was alleged to be misbranded in that the statements appearing in the labeling, "A nerve, brain, and gland rejuvenator * * * for * * * diabetics," were false and misleading since the said statements represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods reported in food notice of judgment No. 1336.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

309. Misbranding of Oster Massagett. U. S. v. 12 Packages of Oster Massagett. Default decree of condemnation and destruction. (F. D. C. No. 1769. Sample No. 8077–E.)

This device was an electric motor so constructed as to vibrate when it revolved, and fitted with an attachment whereby it was clamped to the back of the hand. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 9, 1940, the United States attorney for the District of Minnesota filed a libel against 12 of the above-named devices at Le Center, Minn., alleging that