

DISPOSITION: December 30, 1947. Default decree of condemnation. The product was ordered delivered to a public institution for the use of that institution.

2338. Misbranding of Viavi Capsules, Viavi Liquid, and Viavi Emulsion. U. S. v. 75 Packages, etc. (F. D. C. No. 20557. Sample Nos. 42020-H to 42022-H, incl.)

LIBEL FILED: July 22, 1946, District of Columbia.

PRODUCT: 575 packages of *Viavi Capsules*, 900 bottles of *Viavi Liquid*, and 100 bottles of *Viavi Emulsion*, which were in interstate commerce in the District of Columbia, in the possession of the Eastern Viavi Co., Washington, D. C.

LABEL, IN PART: "Viavi Capsules * * * Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Oxyquinolin Benzoate, Tannin," "Viavi Liquid Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Tincture Capsicum, Poke Root, Glycerine," or "Viavi Emulsion * * * Contains actively, Mineral Oil, Hydrastine and Berberine in Extract of Hydrastis, Colloidal Kaolin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in accompanying booklets entitled "How to Use Viavi," "What Viavi Is," "The Truth About Laxatives," "Are You on the Borderline," and "A Helping Hand to Health" were false and misleading. These statements represented and suggested that *Viavi Capsules* and *Viavi Liquid* were effective to relieve congestion and establish better circulation in mucous membranes; that *Viavi Capsules* were effective to relieve congested conditions of pelvic mucous membranes and adjacent tissues; that *Viavi Liquid* was effective to relieve dullness of hearing due to a catarrhal type of congestion in the ear or relieve profuse secretion, congestion, and soreness through the pelvic region; and that *Viavi Emulsion* was effective to sooth the irritated colon membranes and remove or destroy bacterial poisons and irritants from the intestines. The articles were not effective for the purposes represented.

DISPOSITION: The Eastern Viavi Co., claimant, having applied for removal of the case for trial to the Eastern District of Wisconsin, an order was entered on September 10, 1946, directing such removal. On April 5, 1948, the claimant having consented to an entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

2339. Misbranding of sassafras root bark. U. S. v. 20 Cartons * * *. (F. D. C. No. 21040. Sample No. 53043-H.)

LIBEL FILED: September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 30, 1946, By C. Lee Tea Co., from Huntington, W. Va.

PRODUCT: 20 cartons, each containing 25 1/2-ounce packages, of sassafras root bark at Akron, Ohio.

LABEL, IN PART: "Red Sass-Frass Tea."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in a circular enclosed with the article were false and misleading, since they represented and suggested that the article was effective to maintain health and would be effective in the treatment, prevention, and cure of ague, colds, scurvy, chronic rheumatism, skin disease, and syphilis. The article would not be effective for such purposes.

DISPOSITION: December 11, 1947. The C. Lee Tea Co. having filed an answer, but having failed to appear at the trial of the case, judgment of condemnation was entered and the product was ordered destroyed.

2340. Misbranding of Egyptian Herb Tea. U. S. v. 59 Boxes * * * and 1,500 Circulars. (F. D. C. No. 23681. Sample No. 89530-H.)

LIBEL FILED: September 9, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about May 27, 1947, by the Egyptian Tea Co., from Akron, Ohio.

PRODUCT: 59 2-ounce boxes of *Egyptian Herb Tea* at Huron, S. Dak., together with 1,500 circulars entitled, "Egyptian Herb Tea A Natural Laxative." Examination showed that the product consisted essentially of plant material, including a laxative drug such as senna.