

ALLEGED VIOLATION: On or about October 18 and 19 and November 17, 18, 29, and 30, 1948, and while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repacked and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded. When the drugs were shipped in interstate commerce, they bore on their labels the prescription legend prescribed by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no labels containing a statement of the quantity of the contents; and Section 502 (e) (1), the labels of the repackaged drugs failed to bear the common or usual names of the drugs, namely, "pentobarbital sodium" and "seconal sodium." Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the directions for use on the containers of the repackaged drugs, namely, "One at bedtime for sleep," "One at bedtime as directed," and "One capsule at bedtime as directed," were not adequate directions for use.

DISPOSITION: October 5, 1949. A plea of guilty having been entered, the court imposed a fine of \$700.

2958. Misbranding of nembutal capsules. U. S. v. Parker's Pharmacy and Esther R. Parker. Pleas of guilty. Fine of \$600 against defendants jointly. (F. D. C. No. 26704. Sample Nos. 19677-K, 19681-K, 19694-K, 51301-K, 51304-K, 51311-K.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against Parker's Pharmacy, a partnership, Mount Healthy, Ohio, and Esther R. Parker, a partner in the partnership.

INTERSTATE SHIPMENT: On or about August 11 and November 7, 1947, and November 2, 1948, from North Chicago, Ill.

ALLEGED VIOLATION: On or about October 19 and 21 and November 18, 28, and 30, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drug to be removed from the bottles in which it had been shipped, and repackaged the drug and sold it to various persons without a prescription, which acts of the defendants resulted in the repackaged drug being misbranded. When the drug was shipped in interstate commerce, it bore on its label the prescription legend required by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules bore no label containing a statement of the quantity of the contents. Further misbranding, Section 502 (d), the capsules contained a chemical derivative of barbituric acid, which derivative had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the label of the repackaged capsules failed to bear

the common or usual name of the drug, namely, "pentobarbital sodium"; and, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since a portion of the repackaged capsules bore no labeling containing directions for use and since the directions for use on the labeling of the remainder of the repackaged capsules, namely, "One capsule at bedtime when needed," "One capsule at bedtime when necessary," and "one or two at bedtime," were not adequate directions for use.

DISPOSITION: October 5, 1949. Pleas of guilty having been entered, the court imposed a total fine of \$600 against the defendants jointly.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

2959. Adulteration of ointment. U. S. v. 62,092 Tubes * * *. (F. D. C. No. 27942. Sample No. 32825-K.)

LIBEL FILED: October 28, 1949, Northern District of California.

ALLEGED SHIPMENT: Between June 6, 1947, and May 13, 1949, from Cleveland, Ohio.

PRODUCT: 62,092 1½-ounce tubes of *ointment* at Berkeley, Calif. Examination disclosed that a material proportion of the product was decomposed, as evidenced by the dry and granular condition of the *ointment*, discoloration of the *ointment*, and corrosion of the tubes.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1949. Default decree of condemnation and destruction.

2960. Adulteration of orange peel. U. S. v. 37 Bags * * *. (F. D. C. No. 28247. Sample No. 10068-K.)

LIBEL FILED: November 3, 1949, Southern District of New York.

ALLEGED SHIPMENT: In May 1945, from Haiti.

PRODUCT: 37 41-pound bags of *orange peel* at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 19, 1949. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

2961. Action to enjoin and restrain the interstate shipment of various drugs. U. S. v. Cowley Pharmaceuticals, Inc. Preliminary injunction denied. (Inj. No. 186.)

COMPLAINT FILED: February 26, 1948, District of Massachusetts, against Cowley Pharmaceuticals, Inc., Worcester, Mass.

NATURE OF CHARGE: The defendant had been, and at the time of filing the complaint was, shipping in interstate commerce certain drugs which were adulterated and misbranded in the following respects;