ALLEGED VIOLATION: On or about January 6, 19, and 21, March 29, and April 7, 11, and 13, 1949, while the drugs were being held for sale after shipment in interstate commerce, the Central Drug Co. and Harlan C. Bopp caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *Nembutal capsules* and *sulfonamides triplex tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and Section 502 (e) (2), the repackaged *sulfonamides triplex tablets* bore no label containing the common or usual name of each active ingredient, namely, sulfathiazole, sulfadiazine, and sulfamerazine.

Further misbranding, Section 502 (d), the *Nembutal capsules* and the *Seconal sodium capsules* 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 when repackaged, their labels failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs, with the exception of the *sulfonamides triplex tablets*, failed to bear adequate directions for use in that the directions on the labeling of the *Seconal sodium capsules*, namely, "One as needed," were not adequate directions for use, and that the labeling of the *Nembutal capsules*, *Benadryl capsules*, and *Dexedrine sulfate tablets* bore no directions for use; and, Section 502 (f) (2), the repackaged *sulfonamides triplex tablets* bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 23, 1950. Pleas of guilty having been entered, the court imposed a fine of $1,000 against each of the defendants.

3143. Misbranding of dextro-amphetamine phosphate tablets, sulfadiazine tablets, Tuinal capsules, Seconal sodium capsules, and Dexedrine sulfate Tablets. U. S. v. Weipert Drug Co., a corporation, and James V. Cockrum, Clyde Frick, and Alfred Hoffman. Plea of guilty for corporation; pleas of nolo contendere for individual defendants. Fine of $2,000 against corporation; sentences suspended against individual defendants and these defendants placed on probation for 1 year. (F. D. C. No. 28141. Sample Nos. 60870-K, 60905-K, 60919-K, 60941-K, 60951-K, 60953-K, 60957-K, 60960-K.)

INFORMATION FILED: March 8, 1950, Eastern District of Missouri, against the Weipert Drug Co., a corporation, St. Louis, Mo., and against James V. Cockrum, secretary and pharmacist, and Clyde Frick and Alfred Hoffman, pharmacists, for the corporation.

INTERSTATE SHIPMENT: From the States of New York, Indiana, and Pennsylvania, into the State of Missouri, of quantities of *dextro-amphetamine phosphate tablets*, *sulfadiazine tablets*, *Tuinal capsules*, *Seconal sodium capsules*, and *Dexedrine sulfate tablets*.

ALLEGED VIOLATION: On or about June 14, July 7, and August 9, 19, 21, 22, and 23, 1949, while a number of the above-mentioned tablets and capsules were being held for sale at the Weipert Drug Co. after shipment in interstate commerce, various quantities of the tablets and capsules were repacked and sold without a prescription, which acts resulted in the repackaged tablets and capsules being misbranded. The Weipert Drug Co. and James V. Cockrum were charged with causing the acts of repacking and sale of the drugs involved in each of the eight counts of the information; and, in addition, Alfred Hoffman, in three of the counts, and Clyde Frick, in one of the counts, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *dextro-amphetamine phosphate tablets, sulfadiazine tablets, Dexedrine sulfate tablets,* and a portion of the repackaged *Seconal sodium capsules* bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents; and Section 502 (e) (1), the repackaged *dextro-amphetamine phosphate tablets* failed to bear a label containing the common or usual name of such tablets, namely, dextro-amphetamine phosphate.

Further misbranding, Section 502 (d), the *Tuinal capsules* and *Seconal sodium capsules* contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be, and by regulations designated as, habit forming; and when repackaged. failed to bear labels containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of each of the repackaged drugs failed to bear adequate directions for use since the directions on the labeling of the repackaged *Tuinal capsules* and on the labeling of a portion of the *Seconal sodium capsules,* namely, "One as needed," were not adequate directions for use, and since the labeling of a portion of the *seconal sodium capsules* and the labeling of the *dextro-amphetamine phosphate tablets, sulfadiazine tablets,* and *Dexedrine sulfate tablets* bore no directions for use; and, Section 502 (f) (2), the repackaged *dextro-amphetamine phosphate tablets* and *sulfadiazine tablets* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 5, 1950. A plea of guilty was entered on behalf of the corporation and a plea of nolo contendere was entered on behalf of each individual defendant. The court thereupon imposed a fine of $2,000 against the corporation, suspended the imposition of sentences against the individual defendants, and placed the individual defendants on probation for 1 year.

3144. Misbranding of Seconal sodium capsules, pentobarbital sodium capsules, and sulfadiazine tablets. U. S. v. Robert E. Thacker (Thacker Drug Store). Plea of nolo contendere. Fine, $300. (F. D. C. No. 29109. Sample Nos. 55142–K, 55143–K, 55145–K, 55146–K, 55151–K, 55153–K.)

INFORMATION FILED: May 2, 1950, Western District of Oklahoma, against Robert E. Thacker, trading as the Thacker Drug Store, at Grandfield, Okla.