

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; and, Section 502 (e) (1), the repackaged *sulfathiazole tablets* failed to bear a label containing the common or usual name of the article.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which has been designated by regulations as habit forming; and when repackaged the capsules bore no label containing 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 repackaged *Seconal Sodium capsules* bore no labeling containing directions for use; and Section 502 (f) (2), the *sulfathiazole 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 24, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$150, plus costs, against the defendants jointly.

3163. Misbranding of sulfadiazine tablets and Seconal Sodium capsules. U. S. v. Max Capestany, Jr. (Central Pharmacy), and David Hernandez. Pleas of nolo contendere. Fine of \$100 against defendant Capestany and \$50 against defendant Hernandez, plus costs. (F. D. C. No. 29113. Sample Nos. 60601-K, 60603-K, 60604-K.)

INFORMATION FILED: April 25, 1950, Northern District of Indiana, against Max Capestany, Jr., trading as the Central Pharmacy, Gary, Ind., and David Hernandez, a pharmacist in the pharmacy.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Indiana, of quantities of *sulfadiazine tablets* and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about May 13 and 23, 1949, while a number of the above-mentioned tablets and capsules were being held for sale at the Central Pharmacy 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.

Max Capestany, Jr., was charged with causing the acts of repacking and sale of the drugs involved in each of the three counts of the information; and, in addition, David Hernandez was charged in count 1 with causing such acts to be done in connection with the drug involved in that count.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which has been designated by regulations as habit forming; and when repackaged, the capsules bore no label containing 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 repackaged *sulfadiazine tablets* failed to bear a label containing the common or usual name of the article; Section 502 (f) (1), all lots of the repackaged drugs failed to bear

labeling containing adequate directions for use in that the directions "2 every 4 hours, 4 times a day," borne on the labeling of a portion of the *sulfadiazine tablets*, were not adequate directions for use, and since the other portion of the *sulfadiazine tablets* and the *Seconal Sodium capsules* bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *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 24, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against defendant Capestany and a fine of \$50 against defendant Hernandez, together with costs.

3164. Misbranding of sulfadiazine tablets, sulfadiazine lozenges, and Seconal Sodium capsules. U. S. v. Claud A. Mecomber. Plea of nolo contendere. Defendant fined \$300, plus costs, and placed on probation for 3 years. (F. D. C. No. 28152. Sample Nos. 55442-K, 55444-K, 55446-K.)

INFORMATION FILED: April 25, 1950, District of Nebraska, against Claud A. Mecomber, manager of the drug department of Dryden's Drug Store, North Platte, Nebr.

INTERSTATE SHIPMENT: From the States of Missouri and Indiana into the State of Nebraska, of quantities of *sulfadiazine tablets*, *sulfadiazine lozenges*, and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about June 13, 14, and 15, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules* bore no labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), the repackaged *Seconal Sodium capsules* and *sulfadiazine lozenges* bore no labels containing accurate statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been designated by regulations as habit forming; and the labels 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 (f) (1), the repackaged drugs bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* and *sulfadiazine lozenges* bore no labeling containing accurate 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 27, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$300, plus costs, against the defendant and placed him on probation for three years.

3165. Misbranding of sulfadiazine tablets, Seconal Sodium capsules, and apiol and ergot compound capsules. U. S. v. Walter R. Sarratt (North Side Drug Store). Plea of nolo contendere. Fine of \$300, plus costs, and