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 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the directions for use "One capsule to induce sleep as directed," borne on the labeling, were not adequate directions for use.

DISPOSITION: July 28, 1950. A plea of nolo contendere having been entered, the court imposed a fine of $100.

**3185. Misbranding of sulfadiazine tablets, Seconal Sodium capsules, and thyroid tablets. U. S. v. Frank Albright (Albright Drug Store). Plea of nolo contendere. Fine of $150, plus costs.** (F. D. C. No. 29416. Sample Nos. 61661–K, 61662–K, 61736–K.)

INFORMATION FILED: July 7, 1950, Western District of Kentucky, against Frank Albright, trading as the Albright Drug Store, Paducah, Ky.

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

ALLEGED VIOLATION: On or about September 17 and 27, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused certain quantities of the drugs to be repacked and sold without a prescription, which acts resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), all of 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 *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which has been designated 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* and *thyroid tablets* failed to bear labels containing the common or usual name of the drugs; Section 502 (f) (1), the labeling of all of the repackaged drugs failed to bear 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: July 20, 1950. A plea of nolo contendere having been entered, the court imposed a fine of $150, plus costs.

**3186. Misbranding of sulfathiazole tablets. U. S. v. Bowers' Pharmacy and Cloyce A. Bowers. Pleas of nolo contendere. Fine of $100, plus costs, against defendants jointly.** (F. D. C. No. 29112. Sample Nos. 15894–K, 15896–K, 60615–K.)

INFORMATION FILED: April 28, 1950, Northern District of Indiana, against the Bowers' Pharmacy, a partnership, Gary, Ind., and against Cloyce A. Bowers, a partner in the partnership.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Indiana, of a quantity of *sulfathiazole tablets.*

ALLEGED VIOLATION: On or about May 13, 18, and 23, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drug to be repackaged and sold without a physician's prescription, which acts of the defendants resulted in the drug being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; Section 502 (e) (1), a portion of the repackaged tablets failed to bear a label containing the common or usual name of the drug; Section 502 (f) (1), the labeling of the repackaged tablets bore no directions for use; and, Section 502 (f) (2), the labeling of the repackaged tablets bore no 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, plus costs, against the defendants jointly.

**3187. Misbranding of Private Formula tablets and Pruvo tablets. U. S. v. 3 Drums, etc.** (F. D. C. No. 28008. Sample Nos. 60449–K, 60450–K.)

LIBEL FILED: September 29, 1949, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 22, 1949, by the Standard Pharmacal Co., from Chicago, Ill.

PRODUCT: 3 drums containing 209,000 *Private Formula tablets*, together with 28 cases, each containing 6 dozen bottles of 75 tablets each, of *Pruvo tablets* at Milwaukee, Wis., in possession of the Pruvo Pharmacal Co. The bottles of *Pruvo tablets*, with each of which was enclosed a circular entitled "Pruvo," had been repacked from 3 drums of *Private Formula tablets* included in the above-mentioned shipment. The bottles were labeled by the consignee, but no written agreement existed between the shipper and the consignee as to labeling such as is contemplated under Section 503 (a) of the Act and the regulations thereunder.

LABEL, IN PART: (Drums) "Private Formula No. P–25,897 Prepared for Wm. SLK Laboratories * * * Each tablet represents: Calcium Succinate 3 gr. Aspirin 4 gr. Caution—to be dispensed only by or on the prescription of a physician * * * This is a bulk shipment intended for repackaging" and (bottle) "Pruvo Acetylsalicylic Acid 4 grains Calcium Succinate 3 grains * * * for Arthritic, Neuritic, Rheumatic Pain Relief."

NATURE OF CHARGE: Misbranding (tablets in drums), Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use. The tablets were misbranded when introduced into and while in interstate commerce.

Misbranding (tablets repacked into bottles), Section 502 (a), certain statements on the bottle label and in the circular were false and misleading. The statements represented and suggested that the article was adequate and effective for the treatment and cure of rheumatism and arthritis, whereas the article was not adequate and effective for the treatment and cure of rheumatism and arthritis; and, Section 502 (e) (2), the label of the article