

designated as, habit forming; and when repackaged, the label 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 repackaged *Benzedrine Sulfate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: November 27, 1950. A plea of guilty having been entered, the court imposed a fine of \$300.

**3303. Misbranding of Seconal Sodium capsules and Benzedrine Sulfate tablets.**

U. S. v. Budner's Pharmacy, Morris Ridberg, and William C. Durr. Pleas of guilty. Fine of \$250 against pharmacy and \$150 against each individual. (F. D. C. No. 29446. Sample Nos. 15853-K to 15856-K, incl.)

INFORMATION FILED: September 11, 1950, Eastern District of Wisconsin, against Budner's Pharmacy, a partnership, Milwaukee, Wis., and Morris Ridberg, a partner in the partnership, and William C. Durr, a pharmacist for the partnership.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Wisconsin, of quantities of *Seconal Sodium capsules* and *Benzedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about October 10, 13, and 17, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants 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, 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 a statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and the repackaged 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 *Benzedrine Sulfate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: November 27, 1950. Pleas of guilty having been entered, the court imposed a fine of \$250 against the partnership and a fine of \$150 against each individual.

**3304. Misbranding of Seconal Sodium capsules, Dexedrine Sulfate tablets, and Nembutal Sodium capsules. U. S. v. Robert J. Evans and Charles C. Drummond (Evans-Drummond Drug Store). Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 28142. Sample Nos. 53861-K, 53862-K, 53875-K, 53876-K, 54128-K, 54133-K, 54137-K, 54138-K, 54140-K, 54221-K.)**

INFORMATION FILED: September 14, 1950, Southern District of Mississippi, against Robert J. Evans and Charles C. Drummond, copartners, trading as the Evans-Drummond Drug Store, Hattiesburg, Miss.

**INTERSTATE SHIPMENT:** From the State of Louisiana into the State of Mississippi, of quantities of *Seconal Sodium capsules*, *Dexedrine Sulfate tablets*, and *Nembutal Sodium capsules*.

**ALLEGED VIOLATION:** On or about July 28 and August 9, 12, and 15, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused 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) (2), the repackaged drugs failed to bear labels containing a statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use since the directions "One when necessary," "Take one when needed," and "One with water, repeat 4 to 6 hours as needed for nervousness" borne on the labeling of portions of the repackaged drugs were not adequate directions for use, and since the labeling on other portions of the repackaged drugs bore no directions for use; and, Section 502 (b) (1), portions of the repackaged *Dexedrine Sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* and the *Nembutal Sodium capsules* contained derivatives of barbituric acid, which derivatives, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of each derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

**DISPOSITION:** October 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$50 against each defendant.

**3305. Misbranding of pentobarbital sodium capsules, Seconal Sodium capsules, amphetamine phosphate tablets, and sulfadiazine tablets.** U. S. v. Excel Drugs, Jack Cowan, and Ferd B. Heinzle. Pleas of guilty. Fine of \$900 against Excel Drugs, \$250 against Jack Cowan, and \$200 against Ferd B. Heinzle. (F. D. C. No. 29462. Sample Nos. 55381-K, 55385-K to 55387-K, incl., 55389-K, 55392-K to 55394-K, incl., 55397-K.)

**INFORMATION FILED:** October 10, 1950, Western District of Missouri, against Excel Drugs, a partnership, Kansas City, Mo., and Jack Cowan and Ferd B. Heinzle, pharmacist and employee, respectively, for the partnership.

**INTERSTATE SHIPMENT:** From the States of New Jersey, Indiana, New York, and Pennsylvania into the State of Missouri, of quantities of *pentobarbital sodium capsules*, *Seconal Sodium capsules*, *amphetamine phosphate tablets*, and *sulfadiazine tablets*.

**ALLEGED VIOLATION:** On or about December 19, 22, and 23, 1949, while the drugs were being held for sale at Excel Drugs after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded. Excel Drugs, Jack Cowan, and Ferd B. Heinzle, in 9 counts, 5 counts, and 4 counts, respectively, were charged with causing the acts of repacking and sale of the drugs involved in those counts.