

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.

NATURE OF CHARGE: Misbranding, Sections 52 (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 labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* and the *Seconal 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 when repackaged, the capsules 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 (e) (1), the repackaged *amphetamine phosphate tablets* and the *sulfadiazine tablets* failed to bear labels containing the common or usual name of the drugs; and, Section 502 (f) (2), the repackaged *amphetamine phosphate tablets* and the *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: November 10, 1950. Pleas of guilty having been entered, the court imposed a fine of \$900 against the partnership, \$250 against Jack Cowan, and \$200 against Ferd B. Heinze.

3306. Misbranding of pentobarbital sodium capsules. U. S. v. James W. Moore (Lenhart Drug Store). Plea of nolo contendere. Fine of \$175, plus costs. (F. D. C. No. 29441. Sample Nos. 41076-K, 41080-K, 41081-K, 64084-K, 64093-K, 64701-K, 64709-K.)

INFORMATION FILED: November 2, 1950, District of North Dakota, against James W. Moore, trading as the Lenhart Drug Store, Bismarck, N. Dak.

ALLEGED SHIPMENT: On or about June 1, 13, and 24, October 17, November 4 and 22, and December 6, 1949, from the State of North Dakota into the States of Montana and Minnesota.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the article failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the article 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 label of the article 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 article failed to bear adequate directions for use since the directions for use "One capsule at bedtime when needed" and "Swallow one every four hours for restlessness and then as directed," borne on the labeling of the article, were not adequate directions for use.

DISPOSITION: November 9, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$175, plus costs.