Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules 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 (e) (1), the repackaged *diethylstilbestrol tablets* bore no label containing the common or usual name of the drug; and, Section 502 (e) (2), the repackaged *Sulfonamides Triplex tablets* bore no label containing the common or usual name of each active ingredient of the drug.

DISPOSITION: December 18, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of $400, plus costs, against each individual.

3326. Misbranding of sulfathiazole tablets, thyroid tablets, diethylstilbestrol tablets, and methyltestosterone tablets. U. S. v. M & M Drugs and Max Sherman. Pleas of nolo contendere. Fine of $200 against each defendant. (F. D. C. No. 29996. Sample Nos. 52960-K, 52964-K, 52986-K, 52999-K, 84132-K, 84138-K, 84328-K, 84333-K.)

INFORMATION FILED: On or about November 17, 1950, Northern District of Ohio, against M & M Drugs, a partnership, Toledo, Ohio, and Max Sherman, partner and pharmacist.

INTERSTATE SHIPMENT: From the States of New Jersey, Michigan, and Indiana, of quantities of *sulfathiazole tablets, thyroid tablets, diethylstilbestrol tablets,* and *methyltestosterone tablets.*

ALLEGED VIOLATION: On or about January 28, February 21, and April 14, 15, 20, 24, and 25, 1950, 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 physician's 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; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *thyroid tablets* and *diethylstilbestrol tablets* and portions of the *sulfathiazole tablets* and *methyltestosterone tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (e) (1), the repackaged *methyltestosterone tablets* and a portion of the *thyroid tablets* bore no labels containing the common or usual name of the drugs; and, Section 502 (f) (2), the repackaged *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: December 5, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of $200 against each defendant.

3327. Misbranding of pentobarbital sodium capsules and sulfathiazole tablets. U. S. v. Morris Dunn (Dunn Drug Store). Plea of guilty. Fine of $200 and sentence of 8 months in jail; jail sentence suspended and defendant placed on probation for 3 years. (F. D. C. No. 28108. Sample Nos. 46272-K, 46273-K, 46277-K, 46284-K.)

INFORMATION FILED: December 6, 1949, Eastern District of Missouri, against Morris Dunn, trading as the Dunn Drug Store, St. Louis., Mo.

ALLEGED SHIPMENT: From the States of New York and Tennessee into the State of Missouri, of quantities of *pentobarbital sodium capsules* and *sulfathiazole tablets.*

ALLEGED VIOLATION: On or about May 12, 13, 22, and 26, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of the capsules and tablets to be repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs bore no labels containing the name and place of business of the manufacturer, packer, or distributor, or a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *pentobarbital 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 juxaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged *sulfathiazole tablets* bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *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: December 12, 1950. A plea of guilty having been entered, the court imposed a fine of $200 and a sentence of 8 months in jail. Upon payment of the fine, the jail sentence was suspended and the defendant was placed on probation for 3 years.

3328. Misbranding of phenobarbital tablets and amphetamine sulfate tablets. U. S. v. Tom W. Johnson. Plea of nolo contendere. Fine of $100 on each of counts 1 and 2 of the information; sentence suspended on count 3. (F. D. C. No. 30009. Sample Nos. 75169–K, 75171–K, 75176–K.)

INFORMATION FILED: December 13, 1950, District of New Mexico, against Tom W. Johnson, a partner in the partnership of the B & J Drug Co., Portales, N. Mex.

INTERSTATE SHIPMENT: From the States of Texas and New York into the State of New Mexico, of quantities of *phenobarbital tablets* and *amphetamine sulfate tablets.*

ALLEGED VIOLATION: On or about April 30 and May 2, 1950, 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 physician's prescription, which acts 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 statements 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 *phenobarbital tablets* contained a derivative of barbituric acid, which derivative, the Federal Security Admin-