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-

istrator, after investigation, has found to be, and by regulations designated as, habit forming; and the label of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: January 2, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $100 on each of counts 1 and 2 of the information and suspended the imposition of sentence on count 3.

3329. Misbranding of Vit-Ra-Tox Osmotic Baths. U. S. v. 30 Cans, etc. (F. D. C. No. 30240. Sample Nos. 79696–K, 79697–K.)

LIBEL FILED: November 14, 1950, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 15, 1950, from Newark, N. J.

PRODUCT: *Vit-Ra-Tox Osmotic Baths.* 30 cans, each containing 4½ pounds, at Franklin, Mass., and 58 cans, each containing 4½ pounds, together with a number of pamphlets entitled "I M Vit-Ra-Tox Osmotic Baths," at Boston, Mass.

RESULTS OF INVESTIGATION: The drugs had been shipped in interstate commerce at the behest of Irons & Moore, from Garden City, N. Y., in unlabeled drums, to Franklin, Mass., to be repacked into 4½-pound cans, labeled as set forth below. At the time of the investigation, 58 cans had been delivered to Irons & Moore at Boston and were accompanied by a number of the pamphlets referred to above. 30 cans were seized in possession of the repackager.

LABEL, IN PART: (Can) "I M Vit-Ra-Tox '18' Osmotic Baths National Distributors Iron & Moore, Boston, Mass. Active Ingredients Vitratox Osmotic Baths contain a new extract of the myroxylon tree from one particular tropical environment. This extract also contains eucalyptol, nerolidol and cinnamein (used as extractors) and is combined with laurel sodium sulfonate (foaming and wetting agent) and sodium carbonate (water softener). Net Weight Four Lbs. 8 Ounces $13.95."

NATURE OF CHARGE: Misbranding, Section 502 (a), (58-can lot) certain statements in the accompanying pamphlet were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, bursitis, sciatica, sinusitis, colds, infections; infections in the bones, tissues, and muscles; tissue swellings, sore throat, rheumatic fever, asthma secondary to paranasal sinusitis, and neuritis; that the article would prevent colds and effect reabsorption of calcium deposits; and that the Food and Drug Administration had been furnished reports evidencing effectiveness of the article in relieving arthritis, bursitis, sciatica, and sinusitis, which did not recur after the lapse of months. The article would not fulfill the promises of benefit mentioned, and the Food and Drug Administration had not been furnished with the reports indicated.

Misbranding, Section 502 (f) (1), (30-can lot) the labeling failed to bear adequate directions for use since the labeling failed to indicate the diseases or conditions for which the article was intended to be used.

The article in the 30-can lot and in the 58-can lot was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: December 18, 1950. Default decree of condemnation and destruction.