

individual; each defendant placed on probation for 5 years. (F. D. C. No. 30046. Sample Nos. 81885-K, 81886-K, 81981-K, 81982-K, 81988-K, 81989-K.)

INFORMATION FILED: February 21, 1951, Western District of South Carolina, against Smith's of Spartanburg, Inc., Spartanburg, S. C., and Richard B. Burnett, pharmacist for the corporation.

INTERSTATE SHIPMENT: From the States of Georgia and Pennsylvania into the State of South Carolina, of quantities of *phenobarbital tablets* and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about July 13 and 20 and August 9, 1950, while the drugs were being held for sale at Smith's of Spartanburg, Inc., after shipment in interstate commerce, various quantities of the tablets were repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.

Smith's of Spartanburg, Inc., was charged with causing the acts of repacking and sale of the drugs involved in each of the 6 counts of the information; and, in addition, Richard B. Burnett, in two of the counts of the information, was charged with causing such acts to be done in connection with the drugs involved in those counts.

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 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged *phenobarbital 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: April 5, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against the corporation and \$25 against the individual and placed each defendant on probation for 5 years.

3404. Misbranding of Dexedrine Sulfate tablets and sulfathiazole tablets. U. S. v. East Side Pharmacy. Plea of guilty. Fine, \$250. (F. D. C. No. 30039. Sample Nos. 64613-K, 64624-K, 64625-K, 64650-K, 64658-K.)

INFORMATION FILED: March 29, 1951, District of South Dakota, against the East Side Pharmacy, a partnership, Sioux Falls, S. Dak.

INTERSTATE SHIPMENT: From the States of Pennsylvania and Indiana into the State of South Dakota, of quantities of *Dexedrine Sulfate tablets* and *sulfathiazole tablets*.

ALLEGED VIOLATION: On or about November 16, 1949, and January 10 and April 4 and 12, 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 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 statements of the quantity of the contents; and, Section 502 (e) (1), the repackaged drugs failed to bear labels

containing their common or usual names, namely, *Dexedrine Sulfate* and *sulfathiazole*.

Further misbranding, Section 502 (f) (1), the repackaged *Dexedrine Sulfate tablets* bore no labeling containing directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfathiazole 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: April 12, 1951. A plea of guilty having been entered, the court imposed a fine of \$250.

3405. Misbranding of Dexedrine Sulfate tablets. U. S. v. Kenneth L. Pinard (Pinard Drug Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 30037. Sample Nos. 64259-K, 64612-K, 64626-K, 64649-K.)

INFORMATION FILED: March 29, 1951, District of South Dakota, against Kenneth L. Pinard, trading as the Pinard Drug Co., Sioux Falls, S. Dak.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of South Dakota, of quantities of *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about September 22 and November 16, 1949, and January 10 and April 4, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drug to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets (in two sales) failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and (in each sale) statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets (in each sale) bore no directions for use.

DISPOSITION: April 12, 1951. A plea of guilty having been entered, the court imposed a fine of \$250 against the defendant.

3406. Misbranding of pentobarbital sodium capsules and Seconal Sodium capsules. U. S. v. Bristol Drug Corp. Plea of guilty. Fine, \$800. (F. D. C. No. 29456. Sample Nos. 2348-K to 2352-K, incl., 3010-K to 3013-K, incl.)

INFORMATION FILED: October 30, 1950, Western District of Virginia, against the Bristol Drug Corp., Bristol, Va.

INTERSTATE SHIPMENT: From the States of Georgia, Illinois, and Indiana, into the State of Virginia, of quantities of *pentobarbital sodium capsules* and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about August 8, 11, 15, 16, 18, 19, 20, and 22, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repackaged and sold without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated as, habit forming; and the label of the repackaged drugs