

3422. Misbranding of methyltestosterone tablets, Dexedrine Sulfate tablets, and amphetamine sulfate tablets. U. S. v. The Brant Building Pharmacy Co. (Physicians Pharmacy), Louis Weiner, and Edward Vogler. Pleas of guilty. Fine of \$200, plus costs, against company; fine of \$100 against Louis Weiner, and \$50 against Edward Vogler. (F. D. C. No. 30022. Sample Nos. 52473-K, 72179-K, 72225-K, 72242-K, 72418-K.)

INFORMATION FILED: April 2, 1951, Northern District of Ohio, against The Brant Building Pharmacy Co., a corporation, trading as Physicians Pharmacy, Canton, Ohio; Louis Weiner, president and treasurer of the corporation; and Edward Vogler, pharmacist for the corporation.

INTERSTATE SHIPMENT: From the States of New Jersey, Pennsylvania, and New York, into the State of Ohio, of quantities of *methyltestosterone tablets*, *Dexedrine Sulfate tablets*, and *amphetamine sulfate tablets*.

ALLEGED VIOLATION: On or about December 17, 1949, and January 13, February 21, and March 25, 1950, while the drugs were being held for sale at The Brant Building Pharmacy Co. 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.

The Brant Building Pharmacy Co. and Louis Weiner were charged with causing the acts of repacking and sale of the drugs involved in each of the 5 counts of the information; and, in addition, Edward Vogler was charged in 2 of the counts 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 (b) (1), the repackaged *amphetamine sulfate tablets* and a portion of the repackaged *Dexedrine Sulfate tablets* bore no labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (1), all of the repackaged *Dexedrine Sulfate tablets* and *amphetamine sulfate tablets* failed to bear labels containing the common or usual name of the drugs.

DISPOSITION: April 13, 1951. Pleas of guilty having been entered, the court imposed a fine of \$200, plus costs, against the corporation, a fine of \$100 against Louis Weiner, and a fine of \$50 against Edward Vogler.

3423. Misbranding of phenobarbital tablets and Dexedrine Sulfate tablets. U. S. v. Smith's Inc., Harry J. Crow, John K. Robertson, and Benjamin F. Talbert. Pleas of nolo contendere. Corporation fined \$100; each individual fined \$25 and placed on probation for 5 years. (F. D. C. No. 30041. Sample Nos. 81983-K, 81984-K, 81986-K, 81987-K, 81995-K, 81997-K.)

INFORMATION FILED: February 21, 1951, Western District of South Carolina, against Smith's, Inc., a corporation, Spartanburg, S. C., and against Harry J. Crow, vice president, and John K. Robertson and Benjamin F. Talbert, pharmacists 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, 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, Inc., was charged with causing the acts of repacking and sale of the drugs involved in each of the six counts of the information; and, in addition, Harry J. Crow in two of the counts, John K. Robertson in two of the counts, and Benjamin F. Talbert in the remaining two counts of the information were charged with causing such acts to be done in connection with the drugs involved in those counts.

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, and no labels containing statements 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 *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 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 a fine of \$25 against each individual and placed the individuals on probation for 5 years.

3424. Misbranding of Combisul tablets, Dexedrine Sulfate tablets, and Desoxyn Hydrochloride tablets. U. S. v. Ralph G. Garner, Jr. (Garner Pharmacy), Forrest R. Gill, and Robert Hartman. Pleas of guilty. Fine of \$300 against Defendant Garner, \$150 against Defendant Gill, and \$75 against Defendant Hartman. (F. D. C. No. 30564. Sample Nos. 72145-K, 72813-K, 84434-K.)

INFORMATION FILED: Between March 15 and April 13, 1951, Southern District of Ohio, against Ralph G. Garner, Jr., trading as the Garner Pharmacy, Columbus, Ohio, and against Forrest R. Gill, an employee, and Robert Hartman, a pharmacist, for Mr. Garner.

INTERSTATE SHIPMENT: From the States of New Jersey, Pennsylvania, and Illinois, into the State of Ohio, of quantities of *Combisul tablets*, *Dexedrine Sulfate tablets*, and *Desoxyn hydrochloride tablets*.

ALLEGED VIOLATION: On or about June 27, 28, and 30, 1950, while the drugs were being held for sale at the Garner Pharmacy 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.

Ralph G. Garner, Jr., was charged with causing the acts of repacking and sale of the drugs involved in each of the three counts of the information; and, in addition, Forrest R. Gill in two of the counts and Robert Hartman in one of the counts of the information were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (2), the repackaged *Dexedrine Sulfate tablets* and *Combisul tablets* failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (2), the repackaged *Combisul tablets* were fabricated from two or more ingredients and failed to bear a