ALLEGED VIOLATION: On or about September 29 and 30 and October 7 and 17, 1949, 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 repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* 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 capsules 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 (e) (1), (1 sale) the *Benzedrine Sulfate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: June 29, 1951. A plea of guilty having been entered, the court imposed a fine of $300.

3466. Misbranding of phenobarbital tablets. U. S. v. Renton Ten Cent Drug. Plea of nolo contendere. Fine, $1,500. (F. D. C. No. 29428. Sample Nos. 20754–K, 40808–K.)

INFORMATION FILED: January 30, 1951, Western District of Washington, against the Renton Ten Cent Drug, a partnership, Renton, Wash.

ALLEGED VIOLATION: On or about December 4, 1948, the defendant caused to be introduced into interstate commerce at Renton, Wash., for delivery to Omaha, Nebr., a quantity of *phenobarbital tablets* which were misbranded.

In addition, on or about June 2, 1949, while a number of *phenobarbital tablets* were being held for sale at the defendant's store, the defendant caused a number of the tablets to be repacked and sold without a physician's prescription, which acts resulted in the tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the *phenobarbital tablets* failed to bear a label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use since the directions "Half tablet night and morning" and "One tablet as necessary" were not adequate 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 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: June 7, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $1,500 against the partnership.

3467. Misbranding of Devine's Zina-Ray oil and Devine's inhaler. U. S. v. 434 Bottles, etc. (F. D. C. No. 30884. Sample Nos. 32067–L to 32070–L, incl.)

LIBEL FILED: March 30, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about January 26 and February 12, 1951, by Devine's Remedies, from Chicago, Ill.

PRODUCT: 434 1-ounce bottles and 8 4-ounce bottles of *Devine's Zina-Ray oil* and 200 *Devine's inhalers* at Little Rock, Ark. The inhalers consisted of a glass tube containing cotton. The tubes were constricted at one end and were plugged with a perforated cork at the other end.

RESULTS OF INVESTIGATION: A placard entitled "The American Research and Testing Laboratories * * * Report on Clinical Test" was displayed with the articles in the store of the consignee. Sales of the articles were made on the basis of lectures given at the store by demonstrators Itasia S. Stearns and Henry C. Stearns, on behalf of the distributor, Devine's Remedies.

LABEL, IN PART: (Bottle) "Devine's Zina-Ray Oil Contains Eucalyptus Oil, Menthol and Gum Camphor"; (device) "Devine's Inhaler."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the placard were false and misleading since they represented and suggested that the articles were effective in the treatment and release of pressure, congestion, and pain due to arthritic conditions, whereas the articles were not effective for such purposes; and, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of the conditions for which they were intended by their distributor, Devine's Remedies, namely, rheumatism and spongy gums, and for overcoming nasty taste in the morning, phlegm, and mucus.

The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: June 8, 1951. Default decree of condemnation and destruction.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3468. Adulteration of fleaseed (Plantago) husks. U. S. v. 17 Bags * * *. (F. D. C. No. 30693. Sample No. 18760–L.)

LIBEL FILED: March 12, 1951, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 12, 1951, by L. L. Hopkins & Co., from New York, N. Y.

PRODUCT: 17 90-pound bags of *fleaseed* (*Plantago*) *husks* at Des Moines, Iowa.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: April 21, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3469. Adulteration and misbranding of Premestrone (conjugated estrogens). U. S. v. 22 Bottles * * *. (F. D. C. No. 30873. Sample No. 9715–L.)

LIBEL FILED: April 2, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 3, 1951, by the Doctors' Mutual Service Co., from Glendale, Calif.

PRODUCT: 22 90-tablet bottles of *Premestrone* (*conjugated estrogens*) at Waukegan, Ill.

LABEL, IN PART: (Bottle) "Premestrone 0.4 mg. 90 Tablets Estrogenic Substances (Water Soluble). Also known as Conjugated Estrogens (Equine). * * * Formulated and Distributed By Specific Bio-Chemicals Glendale, California."