

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear any 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:** May 30, 1951. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence against the defendants and placed each defendant on probation for 1 year without supervision.

**3487. Adulteration and misbranding of Crompton's headache powders. U. S. v. Charles Crompton & Sons, Inc., and George Crompton. Pleas of guilty. Fine of \$25 against each defendant. (F. D. C. No. 30003. Sample Nos. 63470-K, 63484-K, 63485-K.)**

**INFORMATION FILED:** January 12, 1951, District of Massachusetts, against Charles Crompton & Sons, Inc., Lynn, Mass., and George Crompton, president-treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about February 6 and April 5 and 8, 1950, from the State of Massachusetts into the State of Maine.

**LABEL, IN PART:** "Crompton's Headache Powders Each Dose Contains 2½ Grains Acetanilid With Caffeine, Salol \* \* \* Chas. Compton & Sons, Inc. Sole Proprietors Lynn, Massachusetts Contents: 9 Powders Of 1 Dose Each Nine 25¢ Size Powders."

**NATURE OF CHARGE:** Adulteration, Section 501(c), the strength of the article differed from that which it was represented to possess since each dose of the article was represented to contain 2½ grains of acetanilid, whereas each dose of the article contained more than 2½ grains of acetanilid.

Misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium, and it was fabricated from 2 or more ingredients, one of which was acetanilid; and the label of the article failed to bear a statement of the quantity or proportion of the acetanilid contained therein. The label of the article bore the statement "Each Dose Contains 2½ Grains Acetanilid," whereas each dose of the article contained more than 2½ grains of acetanilid. Further misbranding, Section 502(c), the information required by Sections 502 (f) (1) and (2) to appear on the labeling was not prominently placed on the labeling with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the directions for use required by Section 502 (f) (1) to appear on the labeling and the warnings against use required by Section 502 (f) (2) to appear on the labeling were not legibly printed on the labeling of the article.

**DISPOSITION:** May 23, 1951. Pleas of guilty having been entered, the court imposed a fine of \$25 against each defendant.