

(5 milligrams), and *methyltestosterone linguets combined with vitamin B<sub>1</sub>*; and that the *female hormones* consisted of tablets containing 0.1 milligram *alpha-estradiol*.

The complaint alleged also that the defendants were violating Section 301 (a) of the Act by causing the introduction into interstate commerce of the 5 milligram *methyltestosterone linguets* and the *methyltestosterone linguets combined with vitamin B<sub>1</sub>*, which were misbranded as follows:

Section 502 (a), the labeling of the linguets was false and misleading since the labeling represented and suggested that the recommended daily dosage was efficacious for use in the treatment of the male hormone deficiency, whereas the recommended daily dosage would be entirely ineffective for such purpose; Section 502 (f) (1), the labeling of the linguets failed to bear adequate directions for use since it failed to state all of the diseases or conditions of the body for which the drug was intended; and Section 502 (f) (2), the labeling of the linguets failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, in such manner and form, as are necessary for the protection of the user since the technical medical terminology in which the cautionary statement on the labeling was couched was inadequate to warn the ordinary lay user that their use may accelerate the malignant growth of the prostate gland or may cause sterility.

It was alleged also with respect to the *methyltestosterone tablets* and the *alpha-estradiol* preparations that the defendants would likely cause the same violations of Section 301 (a) of the Act as they were causing with respect to the linguets since the defendants had sold in the past such products without a physician's prescription and without adequate warnings and since the unrestricted use of *alpha-estradiol* preparations by women may accelerate the malignant growth of cancer of the breast, cervix, and uterus, and may cause injury to the female generative system.

**DISPOSITION:** On January 11, 1950, after a hearing on the issuance of a preliminary injunction, the application for such injunction was denied. The case then was consolidated with that against the El-O-Pathic Pharmacy, et al, reported in notices of judgment on drugs and devices, No. 3550. After the consolidated cases came on for trial before the court on January 31, 1950, judgment was rendered in such cases, denying the Government's application for permanent injunction. Upon appeal, the judgment was reversed and the cases were remanded to the district court for the entry of a decree of permanent injunction in each case.

On July 31, 1951, findings of fact and conclusions of law were filed, supporting the issuance of a permanent injunction, and on the same day an order was entered permanently enjoining the Hudson Products Co., the Maywood Pharmacal Co., and Allen H. Parkinson from violating Section 301 (a) by distributing male or female sex hormone drugs misbranded under Sections 502 (a), 502 (f) (1), or 502 (f) (2).

**3554. Misbranding of Dexedrine Sulfate tablets. U. S. v. Rudolph Matlock (Matlock Pharmacy), and Homer T. Wyatt. Pleas of guilty. Fine of \$1,000 against Defendant Matlock; fine of \$500 against Defendant Wyatt. (F. D. C. No. 30589. Sample Nos. 54198-K, 85883-K, 86036-K to 86038-K, incl.)**

**INFORMATION FILED:** July 17, 1951, Northern District of Texas, against Rudolph Matlock, trading as Matlock Pharmacy, Arlington, Tex., and against Homer T. Wyatt, a pharmacist employed by Rudolph Matlock.

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

**ALLEGED VIOLATION:** On or about November 2, 7, 8, and 9, 1950, while the tablets were being held for sale at the Matlock Pharmacy after shipment in interstate commerce, various quantities of the tablets were repacked and sold without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

Rudolph Matlock, as owner, was made a defendant in all counts; and, in addition, Homer T. Wyatt was joined as a defendant in two of the counts involving sales made by him.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), a portion of the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** October 31, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against Defendant Matlock and a fine of \$500 against Defendant Wyatt.

**3555. Misbranding of Dexedrine Sulfate tablets. U. S. v. J. Malcolm Webb (Webb's Drugs). Plea of guilty. Fine, \$250. (F. D. C. No. 30615. Sample Nos. 84778-K, 10855-L.)**

**INFORMATION FILED:** July 17, 1951, Southern District of Ohio, against J. Malcolm Webb, trading as Webb's Drugs, Camden, Ohio.

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

**ALLEGED VIOLATION:** On or about November 3, 1950, and January 4, 1951, while the tablets were being held for sale at Webb's Drugs after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets bore no directions for use.

**DISPOSITION:** November 15, 1951. A plea of guilty having been entered, the court imposed a fine of \$250.

**3556. Misbranding of pentobarbital sodium capsules and Dexedrine Sulfate tablets. U. S. v. Frierson Drug Store (Frierson Drug Co., Inc.), Frederick J. Felder, and Harley S. Martin. Pleas of guilty. Fines of \$100 against corporation and \$50 against each individual. (F. D. C. No. 30036. Sample Nos. 81903-K, 81905-K, 81907-K, 81909-K, 81911-K, 81912-K.)**

**INFORMATION FILED:** August 8, 1951, Eastern District of South Carolina, against the Frierson Drug Store, a corporation, trading as Frierson Drug Co., Inc., Charleston, S. C., and Frederick J. Felder, president, and Harley S. Martin, secretary-treasurer of the corporation.