

3602. Misbranding of Wonder salve. U. S. v. 22 Jars, etc. (F. D. C. No. 30969. Sample Nos. 11097-L, 11098-L.)

LABEL FILED: June 29, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: On or about February 9 and 28, 1951, by the Brookgate Remedies Co., from Evansville, Ind.

PRODUCT: 22 2-ounce jars and 7 12-ounce jars of *Wonder salve* at Owensboro, Ky. Examination showed that the product consisted of phenols, including not less than 3.9 percent of carbolic acid, camphor and turpentine oil in an ointment base.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "For Use In Treatment of * * * Bruises, Inflammations, and Infections * * * so compounded as to be absolutely harmless unless the user is allergic to one of the * * * ingredients" were false and misleading since the article was not absolutely harmless and was not an adequate and effective treatment for bruises, inflammations, and infections; and, Section 502 (j), the article was dangerous to health when used as recommended in the labeling, namely, "Apply Salve Generously to Affected Parts and Bandage."

DISPOSITION: August 30, 1951. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

3603. Misbranding of pentobarbital sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. John H. Drake and William H. Childers. Pleas of guilty. Sentence of 12 months and fine of \$500 against William H. Childers; execution of sentence suspended and defendant placed on probation for 3 years. John H. Drake fined \$150 and placed on probation for 2 years. (F. D. C. No. 30620. Sample Nos. 82196-K, 93245-K, 93251-K, 93254-K.)

INFORMATION FILED: September 5, 1951, Northern District of Georgia, against John H. Drake, manager of Drake's Pharmacy, East Point, Ga., and against William H. Childers, a pharmacist employed in the store.

INTERSTATE SHIPMENT: From the States of Illinois and Pennsylvania into the State of Georgia, of quantities of *pentobarbital sodium capsules* and *dextro-amphetamine sulfate tablets*.

ALLEGED VIOLATION: On or about November 2, 13, 17, and 22, 1950, while the drugs were being held for sale at Drake's Pharmacy after shipment in interstate commerce, quantities of the drugs were repacked and dispensed without a physician's prescription.

William H. Childers in 3 counts of the information and John H. Drake in 1 count were charged with causing the acts of repacking and dispensing the repackaged drugs.

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.

*See also No. 3601.

Further misbranding, Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 502 (d), the *pentobarbital 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 *pentobarbital sodium 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), the label of the repackaged *dextro-amphetamine sulfate tablets* failed to bear the common or usual name of the drug.

DISPOSITION: October 19, 1951. Pleas of guilty having been entered, the Court imposed a sentence of 12 months and a fine of \$500 against William H. Childers, but suspended the execution of the sentence and placed him on probation for 3 years; and, in addition, the court imposed a fine of \$150 against John H. Drake and placed him on probation for 2 years.

3604. Misbranding of pentobarbital sodium capsules. U. S. v. James R. Dupuy.
Plea of guilty. Fine of \$500 and sentence of 4 months in prison. (F. D. C. No. 31266. Sample Nos. 31080-L to 31082-L, incl.)

INFORMATION FILED: October 17, 1951, Western District of Tennessee, against James R. Dupuy, Memphis, Tenn.

INTERSTATE SHIPMENT: From the State of Missouri into the State of Tennessee, of quantities of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about March 31 and May 10 and 16, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of the *pentobarbital sodium capsules* to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drug failed to bear a label containing the name and address of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming, and the repackaged drug failed to bear a label containing the name, and quantity or proportion of such derivative and a juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: October 22, 1951. A plea of guilty having been entered, the court imposed a fine of \$500 and a sentence of 4 months in prison.

3605. Adulteration and misbranding of elixir Dall-Phen. U. S. v. 21 Cartons
* * *. (F. D. C. No. 31627. Sample Nos. 24625-L, 24632-L.)

LABEL FILED: August 13, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about April 27, 1951, by the Robin Pharmacal Corp., from New York, N. Y.

PRODUCT: 21 cartons, each containing 12 unlabeled bottles, of *elixir Dall-Phen* at Lincoln Park, N. J. Analysis showed that the product contained not more than 0.1 mg., if any, of thiamine hydrochloride in each 5 cc.