Misbranding, Section 502 (b) (1), the labels of each of the articles failed to bear the name and place of business of the manufacturer, packer, or distributor. (There was no R & C Co. of Nutley, N. J., as declared upon the labels of the articles.)

Further misbranding, Section 502 (a), the label statement "Pyrinilamine Maleate 50 mg." on the label of a portion of the *Pyrinimate tablets* was false and misleading as applied to an article containing less than 50 mg. of pyrilamine maleate, and the label designation "U. S. P." on the label of the *calamine lotion* was false and misleading as applied to an article, the identity of which differed from that listed in the current revision of the United States Pharmacopeia; and, Section 502 (b) (2), the *hydrogen peroxide* failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Eph-Thol nose drops* contained a chemical derivative of chloral, namely, chlorobutanol, which derivative has been found to be and by regulations designated as, habit forming; and the label of the article 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) (2), the label of the *Eph-Thol nose drops* failed to bear the common or usual name of each active ingredient since ephedrine sulfate was not declared, and the label of the *Pyrinimate* and the *Pyrinimate tablets* failed to bear the common or usual name of each active ingredient since pyrilamine maleate was not declared; and, Section 502 (j), the *ear wax drops* were dangerous to health when used in the dosage prescribed in the labeling.

The articles were adulterated and misbranded as described above while held for sale after shipment in interstate commerce.

DISPOSITION: On or about November 29, 1951, the Kimball Drug Co., Phoenix, Ariz., having appeared as claimant, judgment of condemnation was entered and the court ordered that the products be released under bond for reprocessing and relabeling to comply with the law, under the supervision of the Federal Security Agency.

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

3622. Misbranding of Dexedrine Sulfate tablets, Gantrisin tablets, and Seconal Sodium capsules. U. S. v. Gary Drug Co., Inc., Jacob H. Raverby, and Tobias Levine. Pleas of guilty. Fine of $200 against corporation and $50 against each individual. (F. D. C. No. 31244. Sample Nos. 79826–K, 79832–K, 79982–K, 79983–K, 79985–K to 79987–K, incl., 79991–K to 79995–K, incl.)

INFORMATION FILED: November 8, 1951, District of Massachusetts, against the Gary Drug Co., Inc., Boston, Mass., Jacob H. Raverby, president and treasurer of the corporation, and Tobias Levine, a pharmacist employed by the corporation.

INTERSTATE SHIPMENT: From the States of Pennsylvania, New Jersey, and Indiana, into the State of Massachusetts, of quantities of *Dexedrine Sulfate tablets, Gantrisin tablets,* and *Seconal Sodium capsules.*

*See also No. 3640 (veterinary preparations).

ALLEGED VIOLATION: On or about September 7, 8, 13, 14, 19, and 28, and October 2, 6, and 10, 1950, while the drugs were being held for sale at the Gary Drug Co., Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The Gary Drug Co., Inc., and Jacob H. Raverby were made defendants in all counts, and Tobias Levine was joined as a defendant in three of the counts involving sales made by him.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (e) (1), the label of the repackaged *Dexedrine Sulfate tablets* failed to bear the common or usual name of the drug; and, Section 502 (e) (2), the repackaged *Gantrisin tablets* failed to bear the common or usual name of each active ingredient of the drug.

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 (f) (2), the labeling of the repackaged *Gantrisin tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form as are necessary for the protection of users.

DISPOSITION: November 23, 1951. Pleas of guilty having been entered, the court imposed a fine of $200 against the corporation and $50 against each individual.

3623. Misbranding of pentobarbital sodium capsules. U. S. v. Stanley's Beach Pharmacy, Albert B. McCully, and Robert I. Stanley. Pleas of nolo contendere. Fine of $100 against pharmacy; sentence withheld against individuals and each placed on probation for 2 years. (F. D. C. No. 29120. Sample Nos. 1850–K, 1851–K, 1859–K, 1861–K, 1862–K, 63665–K.)

INFORMATION FILED: June 1, 1950, Southern District of Florida, against Stanley's Beach Pharmacy, a partnership, Fort Lauderdale, Fla., Albert B. McCully, a partner in the firm, and Robert I. Stanley, a pharmacist for the firm.

INTERSTATE SHIPMENT: From the State of Georgia into the State of Florida, of quantities of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about May 25, and June 3, 10, 25, 27, and 28, 1949, while the drug was being held for sale at Stanley's Beach Pharmacy after shipment in interstate commerce, various quantities of the capsules were repacked and sold without a prescription, which acts resulted in the capsules being misbranded.

Stanley's Beach Pharmacy was charged with causing the acts of repacking and sale of the drug involved in each of the 6 counts of the information; and