

ALLEGED VIOLATION: On or about December 18, 1950, and January 8, March 6, and May 2 and 7, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drug to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear labels containing a statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use; and Section 502 (b) (1), portions of the repackaged drug failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: January 10, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$150 against the partnership and \$50 against each individual defendant.

3646. Misbranding of Dexedrine Sulfate tablets and Seconal Sodium capsules.
U. S. v. Chester A. Baker, Inc., and Julian Felloni. Pleas of nolo contendere. Corporation fined \$250; individual defendant fined \$50. (F. D. C. No. 30623. Sample Nos. 48190-K, 62850-K, 62852-K, 62853-K, 62856-K, 79705-K, 80272-K, 80320-K, 80367-K.)

INFORMATION FILED: November 8, 1951, District of Massachusetts, against Chester A. Baker, Inc., Boston, Mass., and Julian Felloni, manager.

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

ALLEGED VIOLATION: On or about September 18, 19, 25, and 26, and October 3, 5, 6, and 10, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants 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. The corporation was charged with causing the acts of repacking and sale of the drugs involved in the 9 counts of the information, and Julian Felloni was charged likewise in 5 of the counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and Section 502 (e) (1), the repackaged *Dexedrine Sulfate tablets* were not designated by a name recognized in an official compendium, and the labels failed to bear the common or usual name 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 labels of the repackaged drug failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: December 7, 1951. Pleas of nolo contendere having been entered the court imposed a fine of \$250 against the corporation and \$50 against the individual defendant.