

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

3681. Misbranding of Seconal Sodium capsules and methyltestosterone tablets.
U. S. v. Norton Drug Stores, Inc., and Theodore Cibolski and Edward T. Kanaley. Pleas of guilty. Corporation fined \$60, Theodore Cibolski fined \$50, and Edward T. Kanaley fined \$10, together with costs (F. D. C. No. 31262. Sample Nos. 70434-K, 70514-K, 70515-K, 89784-K, 89787-K, 90017-K.)

INFORMATION FILED: November 16, 1951, District of Kansas, against Norton Drug Stores, Inc., Manhattan, Kans., and Theodore Cibolski, secretary of the corporation, and Edward T. Kanaley, an employee.

INTERSTATE SHIPMENT: On or about February 23 and July 10, 1950, from the States of Missouri and New Jersey, of quantities of *methyltestosterone tablets*, and on or about July 13, 1950, from the State of Missouri, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On November 6, 9, 14, 20, and 21, 1950, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The Norton Drug Stores, Inc., was charged with causing the acts of repacking and sale of the drugs involved in each of the six counts of the information; in addition, Theodore Cibolski, in each of five counts of the information, and Edward T. Kanaley, in one count, were charged with causing the acts charged in those counts.

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 adequate directions for use.

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 repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: March 7, 1952. Pleas of guilty having been entered, the court fined the corporation \$60, Theodore Cibolski \$50, and Edward T. Kanaley \$10, together with costs.

3682. Misbranding of Seconal Sodium capsules and methyltestosterone tablets.
U. S. v. Lee T. King (Kings Drug Store). Plea of guilty. Fine of \$80, plus costs. (F. D. C. No. 31265. Sample Nos. 55998-K, 70413-K, 70414-K, 70516-K, 70721-K, 89783-K, 89786-K, 90019-K.)

INFORMATION FILED: November 16, 1951, District of Kansas, against Lee T. King, trading as Kings Drug Store, Manhattan, Kansas.

INTERSTATE SHIPMENT: From the States of Indiana, New Jersey, and Missouri, into the State of Kansas, of quantities of *Seconal Sodium capsules* and *methyltestosterone tablets*.

ALLEGED VIOLATION: On or about October 3, 16, 24, and 25, and November 6, 9, 14, and 20, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant 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.

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 adequate directions for use.

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 repackaged capsules bore no label containing 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 repackaged *methylestosterone tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: March 7, 1952. A plea of guilty having been entered, the court fined the defendant \$80, together with costs.

3683. Misbranding of Seconal Sodium capsules and Dexedrine Sulfate tablets.
U. S. v. Joe G. Levin and Carl D. King. Pleas of *nolo contendere*. Fines of \$250 against Defendant Levin and \$100 against Defendant King, and each defendant placed on probation for 1 year. (F. D. C. No. 30584. Sample Nos. 82181-K, 82193-K, 93106-K, 93111-K, 93119-K, 93242-K.)

INFORMATION FILED: July 18, 1951, Northern District of Georgia, against Joe G. Levin, a partner in the partnership of the Owl Drug Co., Atlanta, Ga., and against Carl D. King, a pharmacist for the partnership.

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

ALLEGED VIOLATION: On or about October 16 and November 1, 2, 13, 15, and 22, 1950, while the drugs were being held for sale at the Owl Drug Co. after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Joe G. Levin was charged with causing the repacking and sale of the drugs involved in three of the counts, and Carl D. King was charged with causing the repacking and sale of the drugs involved in the remaining three counts.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name of the manufacturer, packer, or distributor, and a statement 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 repackaged *Dexedrine Sulfate tablets* failed to bear a label containing the common or usual name of such 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."