

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

3723. Misbranding of dextro-amphetamine sulfate tablets, methamphetamine hydrochloride tablets, and diethylstilbestrol tablets. U. S. v. Frank Schwilk (Schwilk's Pharmacy). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 31283. Sample Nos. 84692-K, 10862-L, 11057-L, 11663-L, 11953-L.)

INFORMATION FILED: On or about January 21, 1952, Southern District of Ohio, against Frank Schwilk, trading as Schwilk's Pharmacy, at Dayton, Ohio.

INTERSTATE SHIPMENT: From the States of Pennsylvania, Illinois, and Indiana, into the State of Ohio, of quantities of *dextro-amphetamine sulfate tablets*, *methamphetamine hydrochloride tablets*, and *diethylstilbestrol tablets*.

ALLEGED VIOLATION: On or about December 18, 1950, and January 5 and 16 and February 7 and 8, 1951, 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 dispensed 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 an accurate 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 (b) (1), a portion of the *dextro-amphetamine sulfate tablets* and a portion of the repackaged *methamphetamine hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (f) (2), all of the *methamphetamine hydrochloride 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: April 24, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

3724. Misbranding of sulfadiazine tablets, thyroid tablets, conjugated estrogen tablets, and dextro-amphetamine sulfate tablets. U. S. v. Central Drug Co., Oscar W. Howser, and Allen T. Howser. Pleas of guilty. Central Drug Co. fined \$200, Oscar W. Howser fined \$100, and Allen T. Howser fined \$50. (F. D. C. No. 32702. Sample Nos. 72175-K, 11292-L, 11626-L, 11646-L.)

INFORMATION FILED: April 2, 1952, Southern District of Ohio, against the Central Drug Co., a corporation, Steubenville, Ohio, Oscar W. Howser, pharmacist and president of the corporation, and Allen T. Howser, pharmacist and secretary-treasurer of the corporation.

INTERSTATE SHIPMENT: Prior to the dates of the sales, various quantities of *sulfadiazine tablets*, *thyroid tablets*, *conjugated estrogen tablets*, and *dextro-amphetamine sulfate tablets* were shipped in interstate commerce into the State of Ohio.

ALLEGED VIOLATION: On January 12, 1950, and May 3, 23, and 24, 1951, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were caused to be repacked and sold without a physician's prescription.

*See also No. 3721.