

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

DISPOSITION: June 2, 1952. A plea of guilty having been entered, the court drug failed to bear adequate directions for use.

3763. Misbranding of Seconal Sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Joseph S. Pencek (Pencek Circle Pharmacy). Plea of guilty. Fine of \$300, plus costs. (F. D. C. No. 32749. Sample Nos. 9641-L to 9644-L, incl.)

INFORMATION FILED: March 24, 1952, Northern District of Illinois, against Joseph S. Pencek, trading as Pencek Circle Pharmacy, Elmwood Park, Ill.

ALLEGED VIOLATION: On or about March 15 and 21 and April 3 and 17, 1951, while quantities of *Seconal Sodium capsules* and *dextro-amphetamine sulfate tablets* were being held for sale at the Pencek Circle Pharmacy, after shipment in interstate commerce; the defendant caused a quantity 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 (d), the repackaged *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."

DISPOSITION: April 25, 1952. A plea of guilty having been entered, the court imposed a fine of \$300, plus costs.

3764. Misbranding of dextro-amphetamine sulfate tablets, racemic amphetamine sulfate tablets, Seconal Sodium capsules, and Amytal tablets. U. S. v. Jacob Chubat (Chubat Pharmacy). Plea of guilty. Fine of \$300, plus costs. (F. D. C. No. 32747. Sample Nos. 9404-L to 9409-L, incl.)

INFORMATION FILED: March 24, 1952, Northern District of Illinois, against Jacob Chubat, trading as Chubat Pharmacy, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 21, April 3 and 11, and May 5, 10, and 16, 1951, while quantities of *dextro-amphetamine sulfate tablets*, *racemic amphetamine sulfate tablets*, *Seconal Sodium capsules*, and *Amytal tablets* were being held for sale at the Chubat Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and 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 (d), the *Seconal Sodium capsules* and *Amytal tablets* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming, and these drugs failed to bear labels containing the names, and quantities or proportions of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: April 14, 1952. A plea of guilty having been entered, the court imposed a fine of \$300, plus costs.

3765. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Frank A. Ponzo (Ponzo's Drug Store). Plea of *nolo contendere*. Fine, \$300. (F. D. C. No. 30616. Sample Nos. 21794-L to 21796-L, incl.)

INFORMATION FILED: August 22, 1951, Eastern District of Louisiana, against Frank A. Ponzo, trading as Ponzo's Drug Store, New Orleans, La.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of Louisiana of quantities of *dextro-amphetamine sulfate tablets*.

ALLEGED VIOLATION: On or about January 26 and 29, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused 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, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and address of the manufacturer, packer, or distributor, and 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.

DISPOSITION: April 30, 1952. A plea of *nolo contendere* having been entered the court imposed a fine of \$300.

3766. Misbranding of pentobarbital sodium capsules. U. S. v. Albert Blank (Eliot Square Pharmacy). Plea of guilty. Defendant fined \$500 and sentenced to prison for 1 year; prison sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 32703. Sample No. 4857-L.)

INFORMATION FILED: April 3, 1952, District of Massachusetts, against Albert Blank, trading as Eliot Square Pharmacy, Boston, Mass.

ALLEGED VIOLATION: On or about September 18, 1951, while a number of *pentobarbital sodium capsules* were being held for sale at the Eliot Square Pharmacy after shipment in interstate commerce, the defendant caused a number of the capsules to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

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

Further misbranding, Section 562 (d), the repackaged 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