

ALLEGED VIOLATION: On or about September 15, 18, 24, and 25, 1951, while quantities of *methyltestosterone tablets* and *Sulfonamides Triplex tablets* were being held for sale at the Steele Drug Store after shipment in interstate commerce, the defendant caused a number of tablets of such drugs to be repacked and dispensed without physicians' prescriptions, 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; Section 502 (e) (1), the repackaged drugs were not designated solely by names recognized in an official compendium and were fabricated from two or more ingredients, and they failed to bear labels containing the common or usual name of each active ingredient; Section 502 (f) (1), the repackaged drugs failed to bear labeling containing adequate directions for use; and, Section 502 (f) (2), the repackaged *Sulfonamides Triplex tablets* failed to bear labeling containing 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: May 2, 1952. A plea of guilty having been entered, the court imposed a fine of \$200.

3826. Misbranding of sulfadiazine tablets, dextro-amphetamine sulfate tablets, and Seconal Sodium capsules. U. S. v. Toland Dwight Mitchell. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 30030. Sample Nos. 70852-K to 70854-K, incl., 70856-K, 70857-K, 70860-K, 70861-K, 70863-K, 70864-K, 70866-K, 70867-K, 70869-K, 70872-K.)

INFORMATION FILED: February 15, 1951, Western District of Oklahoma, against Toland Dwight Mitchell.

ALLEGED VIOLATION: On or about April 23, 24, 25, 26, 28, and 30, 1950, while quantities of *sulfadiazine tablets*, *dextro-amphetamine sulfate tablets*, and *Seconal Sodium capsules* were being held for sale after shipment in interstate commerce, at the stores of Stanro Stores, Inc., operated under the names of Reno Drug Co. and Standard Drug Co., at Oklahoma City, Okla., Toland Dwight Mitchell, president of Stanro Stores, Inc., caused quantities of such drugs to be repacked and disposed of without physicians' prescriptions, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *sulfadiazine tablets* and *dextro-amphetamine sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing a statement of the quantity of the contents.

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 drug 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) (1), a portion of the repackaged *sulfadiazine tablets* failed to bear a label containing the common or usual name of the drug; Section 502 (f) (1), the labeling of all of the repackaged drugs

failed to bear adequate directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* and *dextro-amphetamine sulfate tablets* failed to bear labeling containing 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.

DISPOSITION: On March 23, 1951, a motion to quash the information was filed on behalf of the defendant on the grounds that the information was duplicitous, and, in addition, a motion was filed by the defendant for a bill of particulars. On September 27, 1951, the court overruled the motions of the defendant. On January 23, 1952, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$300.

✓ **3827. Misbranding of Seconal Sodium capsules. U. S. v. Earl O. Meyer Drugs and Earl O. Meyer. Pleas of guilty. Fine of \$1,000 against each defendant; individual defendant also placed on probation for 4 years. (F. D. C. No. 32711. Sample No. 12943-L.)**

INFORMATION FILED: April 17, 1952, District of Colorado, against the Earl O. Meyer Drugs, a partnership, Denver, Colo., and Earl O. Meyer, a partner in the partnership.

ALLEGED VIOLATION: On or about August 3, 1951, while a number of *Seconal Sodium capsules* were being held for sale at the Earl O. Meyer Drugs after shipment in interstate commerce, the defendants caused a quantity of the capsules to be repacked and dispensed without a physician's prescription, which acts resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged capsules 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 502 (d), the repackaged 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 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) (1), the repackaged capsules failed to bear labeling containing adequate directions for use.

DISPOSITION: October 8, 1952. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against each of the defendants, and, in addition, placed the individual defendant on probation for a period of 4 years.

✓ **3828. Misbranding of Seconal Sodium capsules. U. S. v. Azriel Stein. Plea of guilty. Fine of \$1,000 and probation for 5 years. (F. D. C. No. 31293. Sample No. 13165-L.)**

INFORMATION FILED: December 5, 1951, District of Colorado, against Azriel Stein, Denver, Colo.

INTERSTATE SHIPMENT: Prior to April 16, 1951, from the State of Indiana into the State of Colorado, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about April 16, 1951, while the capsules were being held for sale at the Pencol Drug Store, Denver, Colo., after shipment in interstate commerce, the defendant, a pharmacist and manager of the drug store, caused a number of the capsules to be repacked and sold without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.