

INFORMATION FILED: February 18, 1953, Northern District of Illinois, against Goldberg Drug Store, a partnership, Chicago, Ill., and against Edward J. Rubas, an employee, and John Tarczewski, a pharmacist for the store.

ALLEGED VIOLATION: On or about October 6, 12, and 27, 1951, while quantities of *methyltestosterone tablets*, *phenobarbital tablets*, and *amphetamine sulfate tablets* were being held for sale at the Goldberg Drug Store, after shipment in interstate commerce, various quantities of such drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded; and, on or about October 3 and 12, 1951, while a number of *methyltestosterone tablets* were being held for sale at the Goldberg Drug Store, after shipment in interstate commerce, 3 bottles of such tablets were dispensed in the original bottles in which the tablets had been shipped in interstate commerce, without the prescription of a physician, which acts resulted in the tablets being misbranded. The partnership and Edward J. Rubas were charged with causing the acts of dispensing with respect to the *amphetamine sulfate tablets*, and the partnership and John Tarczewski were charged with causing the acts of dispensing with respect to the other drugs involved.

NATURE OF CHARGE: *Methyltestosterone tablets* (dispensed in original bottles). Misbranding, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use. (The bottles in which the tablets were shipped in interstate commerce did not bear adequate directions for use since they were exempt from such requirement by the label statement "Caution: To be dispensed only by or on the prescription of a physician." The act of dispensing the tablets without a physician's prescription, however, caused the exemption to expire.)

Phenobarbital tablets, *amphetamine sulfate tablets*, and *methyltestosterone tablets* (repackaged). Misbranding, Section 502 (b) (1) and (2), the 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 drugs failed to bear adequate directions for use. Further misbranding, Section 502 (d), the *phenobarbital tablets* 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 tablets 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), the *methyltestosterone tablets* and *amphetamine sulfate tablets* failed to bear labels containing the common or usual name of the drug.

DISPOSITION: June 12, 1953. The defendants having entered pleas of guilty, the court fined the partnership \$500 and each individual \$250, plus costs.

4143. Misbranding of dextro-amphetamine sulfate tablets, conjugated estrogens (equine) tablets, methyltestosterone linguets, and phenobarbital tablets. U. S. v. Black's Prescription Shop, Inc., Lorren R. Black, George E. Nicholas, and Virgil L. Haag. Pleas of nolo contendere. Corporation fined \$60, plus costs, Defendant Black fined \$60, and Defendants Nicholas and Haag each fined \$30. (F. D. C. No. 34341. Sample Nos. 14792-L, 14793-L, 14795-L, 14796-L, 14798-L, 14800-L.)

INFORMATION FILED: April 28, 1953, Western District of Missouri, against Black's Prescription Shop, Inc., Kansas City, Mo., and Lorren R. Black, president of

the corporation, and George E. Nicholas and Virgil L. Haag, pharmacists for the corporation.

ALLEGED VIOLATION: On or about February 21, 26, 28, and 29, 1952, while a number of *dextro-amphetamine sulfate tablets, conjugated estrogens (equine) tablets, methyltestosterone linguets, and phenobarbital tablets* were being held for sale at Black's Prescription Shop, Inc., after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Black's Prescription Shop, Inc., and Lorren R. Black were charged with causing the acts of repacking and dispensing in each of the 6 counts of the information; George E. Nicholas was joined as a defendant in counts 1, 2, and 5; and Virgil L. Haag was joined as a defendant in counts 3, 4, and 6.

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.

Misbranding, Section 502 (b) (1), the repackaged *methyltestosterone linguets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 502 (d), the *phenobarbital tablets* 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 such tablets 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) (2), the labels of the *dextro-amphetamine sulfate tablets, conjugated estrogens (equine) tablets, and methyltestosterone linguets* failed to bear the common or usual name of each active ingredient of the drugs.

DISPOSITION: May 22, 1953. The defendants having entered pleas of nolo contendere, the court fined the corporation \$60, plus costs, Defendant Black \$60, and Defendants George E. Nicholas and Virgil L. Haag \$30 each.

4144. Misbranding of Dexedrine Sulfate tablets and Nembutal Sodium capsules. U. S. v. Guilford Drug Co., David Stang, William S. Stang, and James P. Norman. Pleas of not guilty. Tried to the court. Verdict of guilty. Fine of \$1,500, plus costs, against company; imposition of sentence against individual defendants suspended and individuals placed on probation for 18 months. (F. D. C. No. 34809. Sample Nos. 978-L, 1585-L, 2100-L, 2101-L.)

INFORMATION FILED: March 31, 1953, Middle District of North Carolina, against the Guilford Drug Co., a partnership, Greensboro, N. C., and against William S. Stang and David Stang, partners in the partnership, and James P. Norman, a pharmacist for the partnership.

ALLEGED VIOLATION: On or about December 26, 1951, and February 26 and 29 and March 3, 1952, while a number of *Dexedrine Sulfate tablets* and *Nembutal Sodium capsules* were being held for sale at the Guilford Drug Co., after shipment in interstate commerce, various quantities of such drugs were repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

The Guilford Drug Co. was charged with causing the acts of repacking and dispensing in each of the 4 counts of the information, and William S. Stang