

Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: May 4, 1954. The defendant having entered a plea of guilty, the court fined him \$1,000 and sentenced him to 3 months in jail, but suspended the jail sentence and placed him on probation for 18 months.

4346. Misbranding of Seconal Sodium capsules. U. S. v. Sidney Halpern. Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 35562. Sample Nos. 70511-L, 70512-L.)

INFORMATION FILED: November 3, 1953, Eastern District of Kentucky, against Sidney Halpern, a pharmacist for the W. L. Foertmeyer Drugs, Bellevue, Ky.

NATURE OF CHARGE: On or about May 19 and 28, 1953, while a number of *Seconal Sodium capsules* were being held for sale at the W. L. Foertmeyer Drugs, after shipment in interstate commerce, Defendant Halpern caused a number of capsules of the drug to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

DISPOSITION: March 8, 1954. The defendant having entered a plea of guilty, the court fined him \$200, plus costs.

4347. Misbranding of secobarbital sodium capsules. U. S. v. Jack L. Kramer and Hyman Fineman. Pleas of guilty. Fine of \$1,000 and sentence of 3 months in jail against each defendant; jail sentence suspended and each defendant placed on probation for 6 months. (F. D. C. No. 35564. Sample Nos. 72308-L to 72310-L, incl.)

INDICTMENT RETURNED: September 28, 1953, District of Columbia, against Jack L. Kramer and Hyman Fineman, partners in the partnership of Simpson's Modern Pharmacy, Washington, D. C.

NATURE OF CHARGE: On or about August 12 and 17, 1953, the defendants caused quantities of *secobarbital sodium capsules* to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

DISPOSITION: February 26, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$1,000 and sentenced each to 3 months in jail. The court suspended the jail sentence and placed each defendant on probation for 6 months.

4348. Misbranding of Tasapan Pearls. U. S. v. 168 Bottles * * *. (F. D. C. No. 35411. Sample No. 66976-L.)

LIBEL FILED: September 10, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 8, 1952, and April 7, 1953, from Jersey City, N. J.

PRODUCT: 168 bottles of *Tasapan Pearls* at Philadelphia, Pa., in possession of Joseph Freiberg.

RESULTS OF INVESTIGATION: The product, after its receipt by the consignee at Philadelphia, Pa., was resold to Joseph Freiberg, in whose possession it was relabeled as set forth below.