4486. Misbranding of Seconal Sodium capsules. U. S. v. Cathedral Chemists, a partnership, and Seymour Rabinowitz and Meyer Wiener. Pleas of guilty. Fine of $150 against partnership and Meyer Wiener jointly and $50 against Seymour Rabinowitz. (F. D. C. No. 35752. Sample Nos. 51213–L to 51217–L, incl.)

INFORMATION FILED: June 9, 1954, Southern District of New York, against Cathedral Chemists, a partnership, New York, N. Y., and Meyer Wiener, a partner in the partnership, and Seymour Rabinowitz, a pharmacist.

NATURE OF CHARGE: On or about April 24 and May 5, 12, 19, and 27, 1953, while a number of *Seconal Sodium capsules* were being held for sale after shipment in interstate commerce, the defendants caused the misbranding of various quantities of such capsules by refilling a prescription therefor without authority from the prescriber. Such act was contrary to Section 503 (b) (1).

DISPOSITION: July 1, 1954. The defendants having entered pleas of guilty, the court imposed a fine of $150 against the partnership and Meyer Wiener jointly and a fine of $50 against Seymour Rabinowitz.

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

DRUGS FOR HUMAN USE

4487. Misbranding of Vigor-Tabs. U. S. v. Arthur Rubin (Arbin Products). Plea of guilty. Fine $450. (F. D. C. No. 36660. Sample Nos. 50578–L, 51526–L, 62849–L, 67733–L, 82734–L, 89210–L.)

INFORMATION FILED: November 29, 1954, Southern District of Florida, against Arthur Rubin, trading as Arbin Products, Miami, Fla.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and April 15, 1954, from the State of Florida into the States of Arkansas, New York, Pennsylvania, and Alabama.

LABEL, IN PART: (Box) "Vigor-Tabs for the relief of normal fatigue Directions Adults: One tablet a day taken with water. For stubborn cases, take two tablets. Contents: Thiamin, Riboflavin, Nicatinamin, Pyridoxine, Calcium, Pantothenic Acid, and Nicotinin Acid. Arbin Products—Miami, Florida" and "40 Tablets Vigor-Tabs For temporary relief of normal fatigue Directions Adults: One tablet taken with a glass of water. For stubborn cases repeat in 2 or 3 hours. Caution: May produce sleeplessness if taken late in the evening. Contents: Caffeine Alkaloid Arbin Products, Inc. 612 S. W. 13th Street Miami, Florida."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the tablets were false and misleading. The statements represented and suggested that the tablets, when used as directed, would be effective to provide vigor and relieve normal fatigue, whereas the tablets, when used as directed, would not provide vigor and relieve normal fatigue.

Further misbranding, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use for the purposes and conditions for which the tablets were intended, namely, for use as an aphrodisiac and to restore sexual vigor, which were the purposes and conditions for which the tablets were offered in newspaper advertisements sponsored by and on behalf of the defendant.

DISPOSITION: December 3, 1954. The defendant having entered a plea of guilty, the court fined him $450.