

**CHARGE:** Between 8-15-55 and 8-25-55, *Aureomycin capsules* were dispensed once and *Metandren Linguets* were dispensed twice, without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 9-28-56. Corporation—\$300 fine; Stein—\$300 fine. Costs of \$39 against both defendants.

5136. (F. D. C. No. 38622. S. No. 42-781 M.)

**INFORMATION FILED:** 8-18-56, N. Dist. Tex., against Clarence Gosdin, t/a Gosdin Drug Store, Brownfield, Tex.

**CHARGE:** On 11-8-55, *Meticorten tablets* were dispensed once without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 11-7-56. \$300 fine and probation for 3 years.

5137. (F. D. C. No. 38637. S. Nos. 34-076/9 M.)

**INDICTMENT RETURNED:** 8-21-56, E. Dist. Okla., against Floyd L. Rice, Madill, Okla.

**CHARGE:** Between 2-1-56 and 2-3-56, *Ipral calcium tablets* and *Doriden tablets* were each dispensed twice without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 10-18-56. Jail sentence of 1 year and 1 day.

5138. (F. D. C. No. 38612. S. Nos. 42-446 M, 42-794 M.)

**INFORMATION FILED:** 8-15-56, N. Dist. Tex., against Lubbock Drug Store (a partnership), Lubbock, Tex., and Clyde Harris and Earl Sledge (pharmacists).

**CHARGE:** Between 11-14-55 and 11-16-55, *thyroid tablets* were dispensed twice without a prescription.

**PLEA:** Guilty—by partnership and Harris to one count and by Sledge to the other count.

**DISPOSITION:** 11-6-56. Partnership—\$500 fine. Individuals—\$200 fine each; imposition of prison sentences suspended and each placed on probation for 3 years.

5139. (F. D. C. No. 38635. S. Nos. 27-848 M, 27-856 M, 27-858 M.)

**INFORMATION FILED:** 8-10-56, W. Dist. N. C., against Francis Muratori (pharmacist for Center Pharmacy), Charlotte, N. C.

**CHARGE:** Between 9-2-55 and 9-27-55, *Premarin tablets* were dispensed once and *methyltestosterone sublingual tablets* were dispensed twice without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 10-4-56. \$500 fine and probation for 2 years.

5140. (F. D. C. No. 38153. S. Nos. 13-217/8 M.)

**INDICTMENT RETURNED:** 1-25-56, E. Dist. Pa., against Isadore Arthur Shenk, t/a Garden Pharmacy, Philadelphia, Pa.

**CHARGE:** Between 2-23-55 and 2-25-55, *capsules containing ergot and apiol* were dispensed twice without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 6-29-56. \$2,000 fine; imprisonment for 2 years suspended and defendant placed on probation for 5 years.

# U. S. Department of Health, Education, and Welfare

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

5141-5160

### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They relate to drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. Also involved is the refusal to permit inspection, as authorized by Section 704. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or trial; (2) criminal proceedings which were terminated with a plea or verdict of guilty or a plea of *nolo contendere*; (3) injunction proceedings terminated with the entry of an injunction; (4) proceedings for violation of probation, which were terminated upon a finding of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation; and the criminal, injunction, and violation of probation proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., April 30, 1958.

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\*For violative sales of prescription drugs, see No. 5141; drugs in violation of prescription labeling requirements, No. 5141; omission of, or unsatisfactory, ingredients statements, No. 5141; failure to bear a label containing an accurate statement of the quantity of the contents, No. 5141.

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN D. D. N. J. NOS. 5141-5160

*Adulteration*, Section 501 (c), the article was not subject to the provisions of Section 501 (b), and its strength differed from, or its purity and quality fell below, that which it purported or was represented to possess; Section 501 (d) (2), the article was a drug, and a substance had been substituted wholly or in part therefor.

*Misbranding*, Section 502 (a), the labeling of the article was false and misleading; Section 502 (b) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents; Section 502 (e) (1), the article was not designated solely by a name recognized in an official compendium, and its label failed to bear the common or usual name of the drug; Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; Section 503 (b) (4), the article was subject to Section 503 (b) (1), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

*New-drug violation*, Section 505 (a), the article was a new drug within the meaning of Section 201 (p), which was introduced into interstate commerce, and an application filed pursuant to Section 505 (b) was not effective with respect to such drug.

NEW DRUGS SHIPPED WITHOUT EFFECTIVE APPLICATION

DRUGS FOR HUMAN USE

5141. *Terramycin capsules and tablets, Meticortelone tablets, and cortisone acetate tablets.* (F. D. C. No. 39628. S. Nos. 52-413 M, 52-415/8 M.)

QUANTITY: 360 *Terramycin capsules* in 1 bag, 100 *Terramycin capsules* in 1 btl., and 3 100-tablet btl. of *Terramycin tablets*; 1 85-tablet btl. of *Meticortelone tablets*; and 1 25-tablet vial of *cortisone acetate tablets* at Brooklyn, N. Y.

SHIPPED: At various times, from Groton, Conn., Bloomfield, N. J., and Philadelphia, Pa.

RESULTS OF INVESTIGATION: The *Meticortelone tablets*, after shipment, had been repackaged and relabeled by the dealer, Bedford Surgical Co., Inc., Brooklyn, N. Y., under its own labels.

LIBELED: 10-5-56, E. Dist. N. Y.

CHARGE: 501 (c)—while held for sale, the strength of the *Terramycin tablets* differed from that which they were represented to possess (the tablets contained less than the declared amount of 250 mg. of *Terramycin* per tablet); 502 (b) (2)—while held for sale, the *Terramycin capsules* (1-bag lot) and the *Terramycin tablets* failed to bear labels containing accurate statements of the quantity of contents; 502 (e) (1)—while held for sale, the label of the *Terramycin capsules* (1-bag lot) failed to bear the common or usual name of the drug; 502 (f) (1)—the labelings of all of the articles, while held for sale, failed to bear adequate directions for use, and the articles were not