

VIOLATIVE SALES OF PRESCRIPTION DRUGS

5421. (F.D.C. No. 39977. S. Nos. 34-658 M, 34-663 M, 34-671 M, 34-675 M.)
INFORMATION FILED: 5-9-57, S. Dist. Ind., against Louis F. Wolf (pharmacist for Oakley Drug Store), Terre Haute, Ind.

CHARGE: Between 2-21-56 and 3-15-56, *Benzedrine Sulfate Spansule capsules* and *pentobarbital sodium capsules* were each dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 6-27-57. \$2,000 fine, plus costs.

5422. (F.D.C. No. 40466. S. Nos. 56-151 M, 56-153 M, 56-157 M, 71-919 M.)
INFORMATION FILED: 11-26-57, N. Dist. Ill., against Lawndale Drug Co. (a partnership), Chicago, Ill., and Irving Feldman and Barney Goldberg (partners).

CHARGE: Between 1-21-57 and 4-11-57, *Dexedrine Sulfate capsules* (counts 1 and 2) and *Butisol Sodium tablets* (counts 3 and 4) were each dispensed twice without a prescription.

PLEA: Guilty by partnership to all 4 counts of information, by Feldman to counts 1, 3, and 4, and by Goldberg to count 2.

DISPOSITION: 12-16-57. Fine of \$200, plus costs, against partnership, \$450 against Feldman, and \$100 against Goldberg.

5423. (F.D.C. No. 39848. S. Nos. 45-088/93 M, 45-102/3 M.)

INFORMATION FILED: 8-21-57, Dist. Md., against Jerome Richmond, t/a Capitol Drug Store, Baltimore, Md., and Vincent J. Piraino (pharmacist).

CHARGE: Between 7-31-56 and 8-31-56, *Dexedrine Sulfate tablets*, which had been shipped in interstate commerce into the State of Maryland (counts 1, 2, and 3), and *pentobarbital sodium capsules*, which had been fabricated in the State of Maryland from pentobarbital sodium powder that had been shipped in interstate commerce (counts 4, 5, and 6), were each dispensed 3 times upon requests for prescription refills without authorization by the prescriber; and *crystalline procaine penicillin troches* (count 7) and *buffered penicillin tablets* (count 8), which had been shipped in interstate commerce into the State of Maryland, were each dispensed once without a prescription.

PLEA: Guilty by Richmond to all counts of information and by Piraino to counts 1, 2, 4, 5, and 8.

DISPOSITION: 9-27-57. Richmond fined \$1,000, plus costs, and Piraino fined \$100, plus costs. Each defendant placed on probation for 5 years.

5424. (F.D.C. No. 39973. S. Nos. 40-479 M, 40-588/9 M.)

INFORMATION FILED: 4-1-57, W. Dist. Wis., against Oliver P. Mueller, t/a Mueller Drugs, Prairie du Sac, Wis.

CHARGE: Between 6-21-56 and 8-14-56, *Dexedrine Spansule capsules* were dispensed once without a prescription and twice upon request for a prescription refill without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 4-9-57. \$150 fine.

5425. (F.D.C. No. 39963. S. Nos. 22-898 M, 49-557 M, 49-632 M, 49-640 M, 49-668 M, 49-670/1 M, 49-816 M.)

INFORMATION FILED: 6-5-57, Dist. Mass., against Edward L. Doolan, t/a Raleigh Drug Co., Springfield, Mass., and Robert J. O'Neil (pharmacist).

CHARGE: Between 5-8-56 and 6-14-56, *Dexedrine Spansule capsules* (counts 1 and 7), *Gantrisin tablets* (counts 2 and 5), *secobarbital sodium capsules* (counts 3 and 6), and *Butazolidin tablets* (counts 4 and 8) were each dispensed twice upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty by Doolan to all counts of information and by O'Neil to counts 1, 3, 4, 5, and 8.

DISPOSITION: 10-7-57. Doolan fined \$1,000 and O'Neil \$200.

5426. (F.D.C. No. 40442. S. Nos. 62-462 M, 62-465 M, 62-480 M, 63-293 M.)

INFORMATION FILED: 10-3-57, E. Dist. N. Y., against Pincus Goldman, Brooklyn, N.Y.

CHARGE: Between 2-5-57 and 3-7-57, *Gantrisin tablets* and *Dexedrine Sulfate tablets* were each dispensed once upon request for prescription refills without authorization by the prescriber, and *AM Plus capsules* and *Banthine tablets* were each dispensed once without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 11-5-57. \$400 fine.

5427. (F.D.C. No. 40425. S. Nos. 43-447/8 M, 44-526/7 M.)

INFORMATION FILED: 7-5-57, W. Dist. Ky., against Herschel G. Compton, t/a Rogers Rexall Drug Store, Barlow, Ky.

CHARGE: Between 3-22-57 and 3-29-57, *thyroid tablets*, *Dexedrine Sulfate tablets*, *Equanil tablets*, and *secobarbital sodium capsules* were each dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 10-29-57. \$200 fine.

5428. (F.D.C. No. 35147. S. Nos. 2-527 L, 2-530 L, 2-548 L, 59-621 L, 59-624/5 L.)

INFORMATION FILED: 1-6-54, S. Dist. Fla., against Rutherford T. Carlisle, t/a Carlisle Drugs, Jacksonville, Fla.

CHARGE: Between 12-8-52 and 2-16-53, *dextro-amphetamine sulfate tablets* were dispensed twice (counts 1 and 2) and *thyroid tablets* were dispensed once (count 3) without a prescription, and *secobarbital sodium capsules* were dispensed twice (counts 4 and 5) and *pentobarbital sodium capsules* were dispensed once (count 6) upon request for a prescription refill without authorization by the prescriber.

DISPOSITION: On 1-27-54, the defendant entered a plea of not guilty. Thereafter, he filed a motion for discovery and inspection, a motion for return of seized property and suppression of evidence, a motion for bill of particulars, and a motion to dismiss. On 8-4-55, the court denied the motion for return of seized property and suppression of evidence; granted the motion for discovery, in part; granted the motion for bill of particulars, in part; and denied the motion to dismiss as to counts 1 through 3, and granted the motion to dismiss as to counts 4, 5, and 6, thereby dismissing those counts.

The defendant filed a motion for rehearing; and the Government filed a motion for rehearing and a motion for order clarifying the basis for the