

DISPOSITION: 10-5-59. A collective fine of \$1,000 was assessed against the partnership and the individuals. Individual defendants were each placed on probation for 3 years.

5970. (F.D.C. No. 43246. S. Nos. 22-101 P, 22-103/6 P.)

INFORMATION FILED: 10-14-59, Dist. Nebr., against Harry G. Williams, Omaha, Nebr.

CHARGE: Between 2-10-59 and 4-10-59, *methamphetamine hydrochloride tablets* were dispensed 4 times and *Benzedrine Sulfate tablets* were dispensed once without a prescription.

PLEA: Nolo contendere.

DISPOSITION: 10-29-59. \$1,000 fine, plus costs, 1 year imprisonment which was suspended, and probation for 3 years.

On 1-5-60, a petition was filed for revocation of probation imposed against the defendant. The application charged that the defendant, on 11-28-59, dispensed a number of *methamphetamine hydrochloride tablets* without a prescription. After a hearing on 1-6-60, the court found the defendant had violated the conditions of his probation. Thereupon the court revoked the order of probation previously entered and sentenced the defendant to 1 year imprisonment.

5971. (F.D.C. No. 43226. S. Nos. 3-738 P, 5-026 P.)

INFORMATION FILED: 9-29-59, Dist. Md., against Duvall Pharmacy, Inc., Baltimore, Md., and Leon L. Tattar (president and treasurer of the corporation).

CHARGE: Between 1-5-59 and 1-30-59, *V-Cillin K tablets* (count 1) and *Nembutal capsules* (count 2) were each dispensed once upon requests for prescription refills without authorization from a prescriber.

PLEA: Guilty by the corporation to both counts and by Tattar to count 1.

DISPOSITION: 1-15-60. Corporation—\$900 fine; Tattar—\$300 fine, plus costs to be prorated between the defendants.

5972. (F.D.C. No. 43106. S. Nos. 48-728 M, 79-307 M, 82-815 M, 3-465 P, 35-130 P.)

INFORMATION FILED: 2-19-60, E. Dist. Pa., against Harvey-Pittenger Co., Inc., and Eugene L. Cohen, t/a Wyanel Laboratories, Philadelphia, Pa.

ALLEGED VIOLATION: Between 7-15-57 and 1-15-58, the defendants caused quantities of *Gardophen elixir*, *Thriocaine Lotion*, *Rauprote tablets*, *Piptelate tablets*, and *Triophen tablets* to be introduced and delivered for introduction into interstate commerce by various drug manufacturers at Philadelphia, Sellersville, and Allentown, Pa., for delivery to Chicago, Ill., New York, N.Y., Cleveland, Ohio, Lynchburg, Va., and Collingswood, N.J.

LABEL IN PART: "Gardophen (Elixir Hyoscyamine Comp.) Each 5cc (1 teaspoonful) contains: Phenobarbital ($\frac{1}{4}$ gr.) 16.20 mg."; "3 Fluid ounces THRIOCAINE LOTION CONTAINS: TYROTHRIN 0.01% BENZOCAINE 2.0%"; "RAUPROTE 100 TABLETS Each tablet contains: Rauwolfia Serpentina 50 mg. Protoveratrine A and B 0.2 mg."; "PIPTELATE (BRAND OF PIPERAZINE CITRATE) 100 TABLETS Each tablet contains the equivalent of: PIPERAZINE HEXAHYDRATE . . . 250 mg."; and "TRIOPHEN 1000 Tablets Each tablet contains: Phenobarbital $\frac{1}{8}$ gr. (Warning: * * *) Atropine Sulfate 1/500 gr. Magnesium Trisilicate 7 gr."

RESULTS OF INVESTIGATION: The drugs involved were manufactured by various companies. After manufacture, but before final packaging, samples of the drugs were submitted to the defendants for analysis in order to determine if the strength of the drugs met the standards which they purported and were represented to possess. The defendants submitted reports to the companies indicating that the samples had been analyzed and were found to be of proper strength. In reliance thereon, the manufacturing companies packaged the drugs and shipped them in interstate commerce. Subsequent analysis by the Food and Drug Administration showed that the drugs differed in strength from that which they were represented to possess.

CHARGE: 501(c)—when shipped, the strength of the articles differed from that which they purported and were represented to possess in that the article of *Gardophen elixir* contained more than the 16.20 mg. of phenobarbital in each 5 cc. which it was represented to possess; the article of *Thriocaine Lotion* contained more than 0.01 percent of Tyrothricin per 3 fl. ozs. which it was represented to possess; the *Rauprote tablets* contained less than the 0.2 mg. of Protoveratrines A and B per tablet which they were represented to possess; the *Piptelate tablets* contained less than the equivalent of 250 mg. of piperazine hexahydrate per tablet, which they were represented to possess; and the *Triophen tablets* contained less than $\frac{1}{8}$ gr. of phenobarbital per tablet which they were represented to possess.

PLEA: Nolo contendere.

DISPOSITION: 2-19-60. Corporation—\$25 fine; Cohen—\$1,000 fine, 1 year imprisonment which was suspended, and probation for 3 years.

5973. (F.D.C. No. 43697. S. Nos. 50-861/5 P.)

INFORMATION FILED: 12-8-59, N. Dist. Ind., against Lyle V. Prendergast, t/a Lyle's Pharmacy, Cedar Lake, Ind.

CHARGE: Between 1-22-59 and 3-5-59, *Miltown tablets* and *Dewedrine Spansule capsules* were dispensed twice each and *AM Plus capsules* were dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 12-22-59. \$250 fine, plus costs.

5974. (F.D.C. No. 43240. S. Nos. 31-012 P, 32-852 P, 33-106 P.)

INFORMATION FILED: 9-29-59, Dist. N.J., against Raymond S. Bennett, t/a Bennett's Pharmacy, Maplewood, N.J.

CHARGE: Between 3-20-59 and 4-23-59, *pentobarbital sodium capsules* were dispensed once without a prescription, and *Dewedrine Spansule capsules* and *Butisol Sodium Elixir* were each dispensed once upon requests for prescription refills without authorization from a prescriber.

PLEA: Nolo contendere.

DISPOSITION: 12-11-59. Probation for 2 years.

5975. (F.D.C. No. 42028. S. Nos. 2-385 P, 2-396 P, 2-401/3 P.)

INFORMATION FILED: 10-20-58, S. Dist. Fla., against Solomon George Saig, t/a St. Clair Grocery, Jacksonville, Fla.

CHARGE: Between 2-4-58 and 2-18-58, *Nembutal capsules* and *Tuinal capsules* were each dispensed once and *Dewedrine Spansule capsules* were dispensed 3 times without a prescription.