

NATURE OF CHARGE: Misbranding, Section 502 (j), the *crystalline sulfanilamide* would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "Directions * * * After controlling hemorrhage, sprinkle powder in wound, covering the depth and injured surfaces lightly, then cover with sterile dressing and bandage."

DISPOSITION: August 23 and December 13, 1946. No claimant having appeared, judgments of condemnation were entered and the lot of 800 packages was ordered destroyed, and the lot of 13,500 packages was ordered delivered to the Department of Hospitals of the City of New York.

DRUG CONTAINING PENICILLIN DISPENSED WITHOUT PRESCRIPTION OF PHYSICIAN

2052. Action to enjoin and restrain the sale of misbranded Ledercillin-G Lozenges. U. S. v. Parkview Drug Co., Phil Small, John Small, and Harry Small. Consent decree granting injunction. (Inj. No. 141.)

COMPLAINT FILED: May 29, 1946, Western District of Missouri, against the Parkview Drug Co., a corporation, Kansas City, Mo., and Phil Small, John Small, and Harry Small, officers of the corporation.

NATURE OF CHARGE: Section 507. That the defendants had for a long time operated a chain of drug stores in Kansas City, Mo., and had been and were offering for sale at their drug stores, without the submission of a physician's prescription, a drug under the name *Ledercillin-G Lozenges* which contained penicillin. The complaint further alleged that the Federal Security Administrator had promulgated regulations for the certification of drugs composed wholly or partly of penicillin, which regulations provided that such drugs should be dispensed by or on the prescription of a physician, and that the defendants had on hand at the various stores a large stock of the drug which they were selling and intended to sell in the future.

PRAYER OF COMPLAINT: That a temporary restraining order be issued immediately without a hearing; that within 10 days after the granting of the restraining order a temporary injunction issue; and that after final hearing, defendants be permanently enjoined and restrained from sale of the article without a physician's written prescription.

DISPOSITION: October 1, 1946. The defendants having consented to the entry of a decree, the court issued an order permanently enjoining the defendants and their agents from the sale of any drug containing a derivative of penicillin without the written prescription of a physician.

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

2053. Alleged misbranding of seconal sodium capsules and benzedrine sulfate tablets. U. S. v. Alfred R. Collins (Collins Bros., Walgreen Agency Drug). Plea of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 17860. Sample Nos. 26067-H to 26069-H, incl.)

INFORMATION FILED: August 12, 1946, Northern District of Texas, against Alfred R. Collins, trading as Collins Bros., Walgreen Agency Drug, Big Springs, Tex.

INTERSTATE SHIPMENT: Between the approximate dates of February 1944, and October 10, 1944, from Indianapolis, Ind., and Philadelphia, Pa., of a quantity of *seconal sodium capsules* and *benzedrine sulfate tablets*.

LABEL, WHEN SHIPPED: "500 Pulvules Seconal Sodium 1½ grs. * * * Caution: To be used only by or on the prescription of a physician * * * Eli Lilly and Company Indianapolis," or "250 Tablets 10 mg. Benzedrine Sulfate Tablets * * * Caution: To be used only by or on the prescription of a physician * * * Smith, Kline & French Laboratories Philadelphia, Pa."

NATURE OF CHARGE: That on or about March 16, 20, and 21, 1945, the defendant caused to be removed a number of tablets from bottles bearing the labels described above, repacked the tablets into unlabeled envelopes, and sold those tablets without a prescription.

The information charged further that the act of the defendant resulted in the misbranding of the articles in the following respects: Section 502 (f) (1),