(f) (1), the directions for use, and other directions similarly worded borne on the labeling of the repackaged capsules were not adequate directions for use, namely, "One capsule at bedtime when necessary as directed," "One capsule at bedtime as directed," and "One for rest."

DISPOSITION: October 5, 1949. Pleas of guilty having been entered, the court imposed a fine of $800 against the defendants jointly.

2956. Misbranding of nembutal capsules and seconal sodium capsules. U. S. v. Harry James Tischbein (Tischbein Apothecary). Plea of guilty. Fine, $700. (F. D. C. No. 26707. Sample Nos. 18593–K, 18595–K, 18597–K, 19673–K, 19686–K, 51093–K, 51094–K.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against Harry James Tischbein, trading as Tischbein Apothecary, Cincinnati, Ohio.

INTERSTATE SHIPMENT: From the States of Illinois and Indiana into the State of Ohio.

ALLEGED VIOLATION: On or about October 18 and 19 and November 16, 17, 29, and 30, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repacked and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded. When the drugs were shipped in interstate commerce, they bore on their labels the prescription legend prescribed by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents. Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the labels of the repackaged drugs failed to bear the common or usual names of the drugs, namely, "seconal sodium" and "pentobarbital sodium"; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use since the directions for use on the containers of the repackaged drugs, namely, "One capsule at bedtime if needed as directed," "One at bedtime as needed as directed," "One capsule at bedtime if necessary as directed," and "One at bedtime for sleep," were not adequate directions for use.

DISPOSITION: October 5, 1949. A plea of guilty having been entered, the court imposed a fine of $700.

2957. Misbranding of nembutal capsules and seconal sodium capsules. U. S. v. Robert Tischbein Pharmacy. Plea of guilty. Fine, $700. (F. D. C. No. 26705. Sample Nos. 18365–K, 19671–K, 19688–K, 43543–K, 43544–K, 43625–K, 43835–K.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against the Robert Tischbein Pharmacy, a partnership, Cincinnati, Ohio.

INTERSTATE SHIPMENT: On or about October 16, 1947, from the State of Illinois into the State of Ohio, of a quantity of *nembutal capsules*, and between September 9 and 29, 1948, from the State of Indiana into the State of Ohio, of a quantity of *seconal sodium capsules*.

ALLEGED VIOLATION: On or about October 18 and 19 and November 17, 18, 29, and 30, 1948, and while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repacked and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded. When the drugs were shipped in interstate commerce, they bore on their labels the prescription legend prescribed by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no labels containing a statement of the quantity of the contents; and Section 502 (e) (1), the labels of the repackaged drugs failed to bear the common or usual names of the drugs, namely, "pentobarbital sodium" and "seconal sodium." Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the labels of the repackaged drugs failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use since the directions for use on the containers of the repackaged drugs, namely, "One at bedtime for sleep," "One at bedtime as directed," and "One capsule at bedtime as directed," were not adequate directions for use.

DISPOSITION: October 5, 1949. A plea of guilty having been entered, the court imposed a fine of $700.

2958. Misbranding of nembutal capsules. U. S. v. Parker's Pharmacy and Esther R. Parker. Pleas of guilty. Fine of $600 against defendants jointly. (F. D. C. No. 26704. Sample Nos. 19677-K, 19681-K, 19694-K, 51301-K, 51304-K, 51311-K.)

INFORMATION FILED: August 25, 1949, Southern District of Ohio, against Parker's Pharmacy, a partnership, Mount Healthy, Ohio, and Esther R. Parker, a partner in the partnership.

INTERSTATE SHIPMENT: On or about August 11 and November 7, 1947, and November 2, 1948, from North Chicago, Ill.

ALLEGED VIOLATION: On or about October 19 and 21 and November 18, 28, and 30, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of the drug to be removed from the bottles in which it had been shipped, and repackaged the drug and sold it to various persons without a prescription, which acts of the defendants resulted in the repackaged drug being misbranded. When the drug was shipped in interstate commerce, it bore on its label the prescription legend required by the regulations.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules bore no label containing a statement of the quantity of the contents. Further misbranding, Section 502 (d), the capsules contained a chemical derivative of barbituric acid, which derivative had been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the label of the repackaged capsules failed to bear