persons without a prescription, which acts of the defendant resulted in the repacked drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *nembutal capsules*, *Benadryl Capsules*, and *Tuinal Capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *nembutal capsules* and *Tuinal Capsules* 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 *nembutal capsules* and *Tuinal Capsules* failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *Benadryl Capsules* bore no label containing the common or usual name of the drug, namely Benadryl Hydrochloride; and, Section 502 (f) (1), none of the repackaged drugs bore labeling containing directions for use.

DISPOSITION: February 10, 1950. A plea of guilty having been entered, the court imposed a fine of $150.

3065. Misbranding of nembutal capsules. U. S. v. William J. Parker. Plea of guilty. Fine, $300. (F. D. C. No. 28105. Sample Nos. 51331-K, 51332-K.)

INFORMATION FILED: December 30, 1949, Southern District of Indiana, against William J. Parker, a pharmacist in a drug store at Richmond, Ind.

INTERSTATE SHIPMENT: On or about February 11, 1949, from Cincinnati, Ohio.

PRODUCT: When received by the defendant, the label of the product bore the statement "Caution—To be dispensed only by or on the prescription of a physician or dentist." As a result, the product was not required to comply with Section 502 (f) (1), which requires that adequate directions for use appear in the labeling.

NATURE OF CHARGE: On or about February 28, 1948, while a number of the capsules were being held for sale after shipment in interstate commerce, the defendant caused the capsules to be sold and disposed of to a purchaser in the original bottle in which the capsules had been shipped in interstate commerce, without a prescription of a physician or dentist. The sale of the capsules by the defendant caused the exemption to expire and resulted in the misbranding of the tablets in violation of Section 502 (f) (1), since the bottle bore no labeling containing directions for use.

On or about March 3, 1949, the defendant caused a number of capsules to be removed from the bottle in which they had been shipped in interstate commerce, to be repacked into a box, and to be sold without a prescription. The acts of the defendant resulted in the capsules being misbranded in violation of Section 502 (b) (2), in that the box of capsules bore no label containing a statement of the quantity of the contents; Section 502 (d), the label of the repackaged capsules failed to bear the name, and quantity or proportion of the chemical derivative of barbituric acid present in the drug and in juxtaposition therewith the statement "Warning—May be habit forming"; and, Section 502 (f) (1), the box of capsules bore no labeling containing directions for use.

DISPOSITION: February 27, 1950. A plea of guilty having been entered, the court imposed a fine of $300.