

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the tablets contained a chemical derivative of barbituric acid, which derivative has been by the Administrator of the Federal Security Agency, found to be, and by regulations designated as, habit forming; and the repackaged tablets failed to bear a label containing 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 repackaged tablets bore no labeling containing directions for use.

**DISPOSITION:** May 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 and costs against the company and a fine of \$50 against the individual.

**3123. Misbranding of Carbrital capsules. U. S. v. McDowell's Pharmacy and John Vance McDowell. Pleas of guilty. Individual fined \$500 on count 1 and assessed costs on counts 2 and 3; pharmacy also assessed costs, which were suspended. (F. D. C. No. 28128. Sample Nos. 19355-K, 52048-K, 52054-K.)**

**INFORMATION FILED:** February 8, 1950, Northern District of Ohio, against the McDowell's Pharmacy, a partnership, Akron, Ohio, and John Vance McDowell, a partner in the partnership.

**INTERSTATE SHIPMENT:** Between the approximate dates of June 24 and August 8, 1947, from the State of Michigan into the State of Ohio.

**ALLEGED VIOLATION:** On or about June 10, 17, and 29, 1949, while a number of *Carbrital capsules* were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the capsules to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Carbrital 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 repackaged capsules failed to bear a label containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

**DISPOSITION:** June 7, 1950. Pleas of guilty having been entered, the court imposed a fine of \$500 on count 1 and assessed costs in the amount of \$21.10 on counts 2 and 3 against the individual defendant. The court also assessed costs in the amount of \$21.10 against the partnership, which costs were suspended.

**3124. Misbranding of sodium pentobarbital capsules and seconal sodium capsules. U. S. v. Jay Leonard Bumpas (Bumpas Drug Store), and Bailey Ammons. Pleas of nolo contendere. Fine of \$250 against defendant Bumpas and \$100 against defendant Ammons. (F. D. C. No. 28140. Sample Nos. 56043-K to 56046-K., incl., 56049-K.)**