

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

DISPOSITION: June 12, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$300 against the corporation and a fine of \$100 against each individual.

3126. Misbranding of seconal sodium capsules. U. S. v. Mesriow-Madison Drugs, Inc., and Abe R. Segal. Pleas of nolo contendere. Fine of \$250 against each defendant. (F. D. C. No. 28100. Sample Nos. 15871-K to 15873-K, incl.)

INFORMATION FILED: January 17, 1950, Northern District of Illinois, against Mesriow-Madison Drugs, Inc., Chicago, Ill., and Abe R. Segal, president of the corporation.

INTERSTATE SHIPMENT: Between the approximate dates of January 19 and February 11, 1949, from the State of Indiana into the State of Illinois.

ALLEGED VIOLATION: On or about March 25 and April 2 and 5, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendants caused various quantities of the *seconal sodium capsules* to be repacked into unlabeled envelopes and sold without a prescription, which acts of the defendants resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), the repackaged capsules 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 capsules 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 capsules 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 capsules bore no labeling containing directions for use.

DISPOSITION: May 18, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant.

3127. Misbranding of Gold-N-Medal Foot Balm. U. S. v. 6 Dozen Bottles, etc. (F. D. C. No. 27637. Sample No. 13668-K.)

LABEL FILED: August 10, 1949, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 12, 1949, by the Golden Boy Distributing Co., from Brooklyn, N. Y., via the automobile of Edward N. Golden, the owner of the Golden Boy Distributing Co.

PRODUCT: 6 dozen 12-ounce bottles, 8 dozen 4-ounce bottles, and 2 dozen 2-ounce bottles, of *Gold-N-Medal Foot Balm* at Wilkes-Barre, Pa., in possession of the Golden Boy Distributing Co.