

labeling containing adequate directions for use in that the directions "2 every 4 hours, 4 times a day," borne on the labeling of a portion of the *sulfadiazine tablets*, were not adequate directions for use, and since the other portion of the *sulfadiazine tablets* and the *Seconal Sodium capsules* bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 24, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$100 against defendant Capestany and a fine of \$50 against defendant Hernandez, together with costs.

3164. Misbranding of sulfadiazine tablets, sulfadiazine lozenges, and Seconal Sodium capsules. U. S. v. Claud A. Mecomber. Plea of nolo contendere. Defendant fined \$300, plus costs, and placed on probation for 3 years. (F. D. C. No. 28152. Sample Nos. 55442-K, 55444-K, 55446-K.)

INFORMATION FILED: April 25, 1950, District of Nebraska, against Claud A. Mecomber, manager of the drug department of Dryden's Drug Store, North Platte, Nebr.

INTERSTATE SHIPMENT: From the States of Missouri and Indiana into the State of Nebraska, of quantities of *sulfadiazine tablets*, *sulfadiazine lozenges*, and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about June 13, 14, and 15, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules* bore no labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), the repackaged *Seconal Sodium capsules* and *sulfadiazine lozenges* bore no labels containing accurate statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been designated by regulations as habit forming; and the labels 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 (f) (1), the repackaged drugs bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* and *sulfadiazine lozenges* bore no labeling containing accurate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 27, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$300, plus costs, against the defendant and placed him on probation for three years.

3165. Misbranding of sulfadiazine tablets, Seconal Sodium capsules, and apiol and ergot compound capsules. U. S. v. Walter R. Sarratt (North Side Drug Store). Plea of nolo contendere. Fine of \$300, plus costs, and