

on the labeling of the *Benzedrine Sulfate tablets*, and "One Tablet night and morning" on the labeling of one sale of the *Dexedrine Sulfate tablets*, were not adequate directions for use, and since the labeling of the other sale of *Dexedrine Sulfate tablets* and *phenobarbital tablets* bore no directions for use.

Further misbranding, Section 502 (e) (1), the labeling of the repackaged *Benadryl capsules*, *Benzedrine Sulfate tablets*, one sale of *Dexedrine Sulfate tablets*, and one sale of *phenobarbital tablets*, failed to bear the common or usual names of the drugs.

Further misbranding, Section 502 (d), the *phenobarbital tablets* were drugs for use by man and 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 labels of the repackaged tablets failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

**DISPOSITION:** November 28, 1949. A plea of nolo contendere was entered by the defendant. The defendant's attorney informed the court that he had advised the defendant that such sales were not in violation of the law, and that the defendant had acted on the advice of counsel in making the sales. Thereupon, the court ordered the information dismissed.

**3203. Misbranding of Benzedrine Sulfate tablets and Dexedrine Sulfate tablets.**

**U. S. v. John H. Hugg. Plea of nolo contendere. Fine of \$100, plus costs.**

(F. D. C. No. 29423. Sample Nos. 61424-K, 61756-K.)

**INFORMATION FILED:** June 28, 1950, Western District of Kentucky, against John H. Hugg, a partner and pharmacist in the partnership of Hugg, The Druggist, at Paducah, Ky.

**INTERSTATE SHIPMENT:** From the State of Pennsylvania into the State of Kentucky, of quantities of *Benzedrine Sulfate tablets* and *Dexedrine Sulfate tablets*.

**ALLEGED VIOLATION:** On or about September 28 and 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused portions to be repacked and sold without a prescription, which acts resulted in the drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), both repackaged drugs failed to bear labels containing a statement of the quantity of the contents; Section 502 (e) (1), the repackaged *Benzedrine Sulfate tablets* bore no label containing the common or usual name of the drug; and, Section 502 (f) (1), both repackaged drugs failed to bear labeling containing adequate directions for use in that the labeling of the repackaged *Dexedrine Sulfate tablets* bore no directions for use, and the directions "Take as directed by physician," borne on the labeling of the repackaged *Benzedrine tablets*, were not adequate directions for use.

**DISPOSITION:** July 14, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$100, plus costs.

**3204. Misbranding of Dexedrine Sulfate tablets, Nembutal Sodium capsules, and thyroid tablets. U. S. v. Louis R. Hugg (Hugg's Drugs). Plea of nolo contendere. Fine of \$200, plus costs. (F. D. C. No. 29425. Sample Nos. 61648-K, 61660-K, 61681-K, 61682-K.)**

**INFORMATION FILED:** June 13, 1950, Western District of Kentucky, against Louis R. Hugg, trading as Hugg's Drugs, Paducah, Ky.

**INTERSTATE SHIPMENT:** From the States of Pennsylvania, Missouri, and Indiana, of quantities of *Dexedrine Sulfate tablets*, *Nembutal Sodium capsules*, and *thyroid tablets*.

**ALLEGED VIOLATION:** On September 14 and 29, 1949, the defendant sold without a prescription, in the original bottles in which the articles had been shipped in interstate commerce, and while they were held for sale by the defendant after such shipment, one bottle containing 24 *Dexedrine Sulfate tablets* and one bottle containing 50 *thyroid tablets*. The tablets contained in the original bottles had been exempt from the requirement of Section 502 (f) (1), prior to the date of such sales, since their labels bore the prescription legend required by the regulation. This exemption expired when the defendant sold the tablets without physician's prescription, and resulted in the misbranding of the tablets in violation of Section 502 (f) (1), since the bottles bore no labeling containing directions for use.

On September 17 and 29, 1949, while the *Nembutal Sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused a number of the capsules to be repackaged and sold without a prescription, which acts of the defendant resulted in the product being misbranded as follows: Sections 502 (b) (1) and (2), the repackaged capsules failed to bear a label 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 drug contained a chemical derivative of barbituric acid, which derivative has been designated as habit forming; and when repackaged the drug bore no 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 labeling of a portion of the capsules bore no directions for use, and the directions "One at bedtime" borne on the labeling of another portion of the capsules were not adequate directions for use.

**DISPOSITION:** July 20, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200, plus costs.

**3205. Misbranding of Nembutal Sodium capsules, phenobarbital tablets, and thyroid tablets. U. S. v. Mary S. Northrup (Northrup Drug Store). Plea of nolo contendere. Fine, \$125. (F. D. C. No. 28113. Sample Nos. 45597-K, 46061-K, 46068-K, 60795-K, 60797-K.)**

**INFORMATION FILED:** February 17, 1950, Western District of Missouri, against Mary S. Northrup, trading as the Northrup Drug Store, Rich Hill, Mo.

**INTERSTATE SHIPMENT:** From North Chicago, Ill., Detroit, Mich., and Indianapolis, Ind., into the State of Missouri, prior to May 11, 16, and 24, 1949.

**ALLEGED VIOLATION:** On or about May 11, 16, and 24, 1949, and while the articles were being held for sale after shipment in interstate commerce, the defendant caused quantities of the articles to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged articles being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged articles bore no label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), they bore no label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *Nembutal Sodium capsules* and *phenobarbital tablets* were drugs for use by man and contained