after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the drug 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: September 13, 1950. A plea of guilty having been entered, the court imposed a fine of $50.

3246. Misbranding of Seconal Sodium capsules. U. S. v. James Street Pharmacy, Inc. Plea of guilty. Fine of $500, plus costs. (F. D. C. No. 26700. Sample Nos. 37388-K, 37391-K.)

INFORMATION FILED: July 8, 1949, Western District of Washington, against James Street Pharmacy, Inc., Seattle, Wash.

INTERSTATE SHIPMENT: Between the approximate dates of March 3 and September 10, 1948, from the State of Indiana into the State of Washington, of a quantity of *Seconal Sodium capsules.*

ALLEGED VIOLATION: On or about November 27 and December 8, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of the *Seconal Sodium capsules* to be repacked and sold without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged *Seconal Sodium capsules* bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (1), the label of the repackaged capsules failed to bear the common or usual name of the drug, namely, Seconal.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the label 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 directions "One at night if unable to sleep," borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: September 25, 1950. A plea of guilty having been entered, the court imposed a fine of $500, plus costs.

3247. Misbranding of Dexedrine Sulfate tablets. U. S. v. Glen P. James (James Drug). Plea of guilty. Fine, $50. (F. D. C. No. 29470. Sample No. 64297-K.)

INFORMATION FILED: October 18, 1950, District of South Dakota, against Glen P. James, trading as James Drug, Wagner, S. Dak.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of South Dakota, of a quantity of *Dexedrine Sulfate tablets.*

ALLEGED VIOLATION: On or about November 12, 1949, while the *Dexedrine Sulfate tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged *Dexedrine Sulfate tablets* failed to bear a label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged tablets bore no directions for use.

DISPOSITION: October 24, 1950. A plea of guilty having been entered, the court imposed a fine of $50.

3248. Misbranding of mammary extract. U. S. v. 22,000 Ampuls, etc. (F. D. C. No. 28719. Sample No. 73417–K.)

LIBEL FILED: February 28, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about December 29, 1949, by Specific Pharmaceuticals, Inc., from Bayonne, N. J.

PRODUCT: 22,000 1.1-cc. ampuls and 2,675 1.5-cc. ampuls of *mammary extract* at New York, N. Y.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the article bore no label containing the name and place of business of the manufacturer, packer or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: August 3, 1950. The sole intervener having withdrawn his claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

3249. Misbranding of Beatsol Rectifiers. U. S. v. 20 Packages * * *. (F. D. C. No. 29396. Sample No. 73363–K.)

LIBEL FILED: July 13, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about May 22, 1950, by G. & W. Laboratories, from Jersey City, N. J.

PRODUCT: 20 24-tablet packages of *Beatsol Rectifiers* at New York, N. Y.

LABEL, IN PART: (Package) "Contains 24 Tablets Beatsol Rectifiers For Both Sexes Formula Phosphorus—Ext. Nux Vomica ¼ gr. (Strychnine 1/55 gr.)—Ext. Damiana."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they suggested and implied that the article was an effective treatment for lost vitality, impotency, exhaustion, nervousness, and weakness in both sexes, whereas the article was not an effective treatment for such conditions; and, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings as are necessary for the protection of users since its labeling failed to warn that because of the strychnine ingredient more than the recommended dosage should not be taken and its use by elderly persons may be dangerous.

DISPOSITION: August 2, 1950. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration.

DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3250. Adulteration of gentian root. U. S. v. 76 Bags * * *. (F. D. C. No. 29707. Sample No. 73029–K.)

LIBEL FILED: August 29, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about March 2, 1950, from Trieste, Italy.