

**3307. Misbranding of Seconal Sodium capsules, dextro-amphetamine hydrochloride tablets, phenobarbital tablets, and sulfadiazine tablets. U. S. v. George E. Stone (Stone's Drug Store). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 29429. Sample Nos. 27078-K, 61046-K, 61426-K, 61738-K.)**

**INFORMATION FILED:** June 28, 1950, Western District of Kentucky, against George E. Stone, trading as Stone's Drug Store, Mayfield, Ky.

**INTERSTATE SHIPMENT:** From the States of Indiana, Pennsylvania, and Missouri into the State of Kentucky, of quantities of *Seconal Sodium capsules, dextro-amphetamine hydrochloride tablets, phenobarbital tablets, and sulfadiazine tablets.*

**ALLEGED VIOLATION:** On or about September 27, 28, and 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repackaged and sold to various persons 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 *sulfadiazine tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* and the *phenobarbital tablets* contained chemical derivatives of barbituric acid, which derivatives, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the capsules and tablets failed to bear labels 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 labeling of all of the repackaged drugs bore no directions for use; and, Section 502 (f) (2), the labeling of the repackaged *dextro-amphetamine hydrochloride tablets* and the *sulfadiazine tablets* bore no 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:** October 23, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

**3308. Misbranding of diethylstilbestrol tablets and phenobarbital tablets. U. S. v. Ernest Smith. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 29418. Sample Nos. 27069-K, 27070-K.)**

**INFORMATION FILED:** June 7, 1950, Western District of Kentucky, against Ernest Smith, manager of the Owl Drug Co., Fulton, Ky.

**INTERSTATE SHIPMENT:** From the States of Indiana and Texas into the State of Kentucky, of quantities of *diethylstilbestrol tablets* and *phenobarbital tablets.*

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

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the