

**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

manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* 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 tablets 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."

**DISPOSITION:** October 23, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

**3309. Action to enjoin and restrain the interstate shipment of a drug known as Nurse Dencker's ointment. U. S. v. Mimi E. Alcorn, William Vernon Alcorn, and Wilhelmina G. Stanley (Dencker Products). Consent decree granting injunction. (Injunction No. 135.)**

**COMPLAINT FILED:** September 8, 1947, Southern District of California, against Mimi E. Alcorn, William Vernon Alcorn, and Wilhelmina G. Stanley, trading as Dencker Products, Long Beach, Calif.

**NATURE OF CHARGE:** That the defendants had been and were at the time of filing the complaint, introducing and delivering for introduction into interstate commerce quantities of the drug known as *Nurse Dencker's ointment*, consisting of zinc oxide, corn starch, salicylic acid, olive oil, vaseline, and 1 percent of carbolic acid.

The drug was alleged to be misbranded under Section 502 (a), in that certain statements in the accompanying labeling of the drug were false and misleading. The statements represented, suggested, and implied that the drug would be efficacious in the cure, mitigation, and treatment of surface skin irritations, such as leg sores, superficial sores, lesions, and irritations on the legs, arms, body, whereas the drug was not efficacious for such purposes.

The drug was alleged also be misbranded under Section 502 (f) (1), in that the directions for use, "Clean parts with pure olive oil, wipe dry, then apply ointment thickly, fresh every morning and night—bandage," appearing on the label, were inadequate for the use of the drug in the various disease conditions for which it was prescribed, recommended, and suggested in the labeling and advertising disseminated by the defendants.

The complaint alleged also that unless restrained, the defendants would continue to introduce and deliver for introduction into interstate commerce the misbranded drug.

**DISPOSITION:** October 30, 1950. The defendants having consented to the entry of a decree, the court issued an order permanently enjoining the defendants from directly or indirectly introducing or delivering for introduction into interstate commerce the drug in question, or any like drug, misbranded as alleged in the complaint.

**3310. Misbranding of Ri-Co tablets. U. S. v. 33 Bottles \* \* \*. Claimant's exceptions to the libel overruled. Government's motion for summary judgment granted. Decree of condemnation and destruction. Judgment affirmed upon appeal. (F. D. C. No. 22157. Sample No. 48752-H.)**

**LIBEL FILED:** January 8, 1947, District of Colorado,