

DISPOSITION: February 5, 1951. Pleas of *nolo contendere* having been entered, the court suspended the imposition of sentence and placed the defendants on probation for 1 year.

3370. Misbranding of Dexedrine Sulfate tablets, phenobarbital tablets, and sulfadiazine tablets. U. S. v. Thomas G. Hopkins (Hopkins Nyal Drug Store), and James Sorrell. Pleas of *nolo contendere*. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 30017. Sample Nos. 61890-K, 72124-K, 77709-K, 77719-K, 77727-K.)

INFORMATION FILED: January 15, 1951, Western District of Arkansas, against Thomas G. Hopkins, trading as the Hopkins Nyal Drug Store, Mena, Ark., and James Sorrell, an employee at the store.

INTERSTATE SHIPMENT: From the States of Pennsylvania and Missouri into the State of Arkansas, of quantities of *Dexedrine Sulfate tablets, phenobarbital tablets, and sulfadiazine tablets.*

ALLEGED VIOLATION: On or about March 6, 10, 13, and 14, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

Thomas G. Hopkins was named as a defendant in all counts, and James Sorrell was named as a defendant in all counts, with the exception of the count charging a violation resulting from one sale of *phenobarbital tablets.*

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 labeling of the repackaged drugs failed to bear 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."

Further misbranding, Section 502 (e) (1), the *Dexedrine Sulfate tablets* and a portion of the *sulfadiazine tablets* failed to bear labels containing the common or usual names of the drugs; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* failed to bear 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: February 5, 1951. Pleas of *nolo contendere* having been entered, the court suspended the imposition of sentence against the defendants and placed each defendant on probation for 1 year.

3371. Misbranding of Seconal Sodium capsules. U. S. v. Samuel P. Rottenberg (Cortland Pharmacy). Plea of *nolo contendere*. Fine, \$200. (F. D. C. No. 29466. Sample Nos. 60205-K to 60207-K, incl., 60209-K.)

INFORMATION FILED: November 3, 1950, Eastern District of Michigan, against Samuel P. Rottenberg, trading as the Cortland Pharmacy, Detroit, Mich.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Michigan, of quantities of *Seconal Sodium capsules.*

ALLEGED VIOLATION: On or about January 17, 18, 21, and 25, 1950, while the capsules were being held for sale after shipment in interstate commerce, the defendant caused a number of the capsules to be repacked and sold without a prescription, which acts resulted in the capsules being misbranded.

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

Further misbranding, Section 502 (d), the capsules 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 the label 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 labeling of the repackaged capsules bore no directions for use.

DISPOSITION: January 11, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

3372. Misbranding of Lang's Mineral Iron and Aluminum Sulfate. U. S. v. 15 Pounds, etc. (F. D. C. No. 30343. Sample Nos. 86437-K to 86440-K, incl.)

LABEL FILED: December 19, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about October 7 and 25, 1950, and on other dates in 1950, by Margaret Lange, from Portland, Oreg.

PRODUCT: *Lang's Mineral Iron and Aluminum Sulfate.* 15 pounds in bulk; 25 envelopes, each containing $\frac{1}{3}$ ounce; 21 boxes, each containing 12 capsules; and 12 12-ounce bottles containing the product in solution, at Lang's Mineral Wonder, Los Angeles, Calif.

Also in the possession of the consignee were 8,000 empty envelopes, 200 labels for the capsules, 1,000 labels for the solution, and 1,000 copies of a folder entitled "Lang's Mineral Wonder."

RESULTS OF INVESTIGATION: The product was shipped, labeled as described below. The consignee repackaged the article into envelopes, each containing $\frac{1}{3}$ ounce; into boxes, each containing 12 capsules; and into bottles, each containing 12 ounces of a solution consisting of 1 pound of the article to 5 gallons of water. The consignee also caused the printing of the envelopes, the box and bottle labels, and a folder entitled "Lang's Mineral Wonder." This folder was given to prospective customers at the consignee's place of business and was mailed in response to inquiries.

LABEL, IN PART: (Bulk shipment) "Lang's Mineral Iron and Aluminum Sulfate"; (repackaged, in envelopes) "Lang's Mineral Wonder * * * Net Contents: $\frac{1}{3}$ oz."; (repackaged, in boxes) "Lang's Mineral Wonder * * * Lang's Female Capsules"; and (repackaged, in bottles) "Lang's Mineral Wonder * * * Net Contents: 12 oz."

NATURE OF CHARGE: Misbranding (bulk shipment), Section 502 (f) (1), the labeling failed to bear adequate directions for use since the labeling bore no directions for use. The article was misbranded in this respect when introduced into, and while in, interstate commerce.

Further misbranding (repackaged drug in envelopes, boxes, and bottles), Section 502 (a), certain statements in the accompanying folder entitled "Lang's Mineral Wonder" were false and misleading. These statements represented and suggested that the article would be effective as a treatment for