

PRODUCT: 250 1000-tablet bottles of *TB-1* at Brooklyn, N. Y.

LABEL, IN PART: "TB1 (4 amino-acetyl-benzaldehyde thiosemicarbazone 50 mg. each) Gallard-Schlesinger Chemical Co., New York, N. Y."

NATURE OF CHARGE: Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to such drug.

DISPOSITION: May 24, 1951. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS**

**DRUGS FOR HUMAN USE**

**3484. Misbranding of Seconal Sodium tablets and Benzedrine Sulfate tablets. U. S. v. Abraham S. Brown (Cumberland Drug). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 30560. Sample Nos. 79942-K to 79946-K, incl., 79962-K to 79966-K, incl.)**

INFORMATION FILED: June 1, 1951, District of Massachusetts, against Abraham S. Brown, trading as the Cumberland Drug, Boston, Mass.

ALLEGED SHIPMENT: From the States of Indiana and Pennsylvania into the State of Massachusetts, of quantities of *Seconal Sodium tablets* and *Benzedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about June 15, 21, and 30, and July 7, 10, 14, 15, 19, 20, and 24, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use in that the directions "One tablet at bedtime as needed" appearing in the labeling of the repackaged *Seconal Sodium tablets*, and "One on arising ½ at noon," "as directed," and "One tablet on arising One tablet at noon" appearing in the labeling of the repackaged *Benzedrine Sulfate tablets* were not adequate directions for use; and, Section 502 (e) (1), the label of the repackaged *Benzedrine Sulfate tablets* failed to bear the common or usual name of the drug.

Further misbranding, Section 502 (d), the *Seconal Sodium tablets* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designating as, habit forming; and the label 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: June 12, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

**3485. Misbranding of Benzedrine Sulfate tablets, pentobarbital sodium capsules, and Seconal Sodium capsules. U. S. v. Linus D. Drury Corp. (Drury's Pharmacy), and Ralph E. Anderson. Pleas of nolo contendere. Fine of \$250 against corporation and \$50 against individual. (F. D. C. No.**