Further misbranding, Section 502 (b) (1), the repackaged *dextro-amphetamine sulfate tablets* and a portion of the repackaged *d-desoxyephedrine hydrochloride tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (1), they failed to bear labels containing the common or usual name of the drugs.

DISPOSITION: July 20, 1951. A plea of nolo contendere having been entered on behalf of the corporation and a plea of guilty on behalf of the individual, the court imposed a fine of $250 against the corporation and a sentence of 1 year's imprisonment against the individual. The sentence against the individual was suspended, and he was placed on probation for five years.

3563. Misbranding of sulfathiazole tablets. U. S. v. David Polis (Polis Pharmacy). Plea of nolo contendere. Fine of $500 on count 1. Sentences of 6 months in jail on each of counts 2 and 3; jail sentences suspended. (F. D. C. No. 30033. Sample Nos. 48680–K, 81266–K, 81271–K.)

INFORMATION FILED: February 19, 1951, Eastern District of Pennsylvania, against David Polis, trading as Polis Pharmacy, Philadelphia, Pa.

INTERSTATE SHIPMENT: From the State of New York into the State of Pennsylvania, of quantities of *sulfathiazole tablets*.

ALLEGED VIOLATION: On or about June 23, 26, and 29, 1950, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the tablets to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; Section 502 (e) (1), the repackaged tablets failed to bear labels containing the common or usual name of the drug; and, Section 502 (f) (1), the labeling of the repackaged tablets bore no directions for use.

DISPOSITION: July 12, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $500 on count 1 and sentences of six months in jail on each of counts 2 and 3. The jail sentences were suspended.

3564. Misbranding of sulfathiazole tablets. U. S. v. Isaac Russikoff (Russikoff's Drug Store). Plea of nolo contendere. Fine of $500 on count 1. Sentences of 6 months in jail on each of counts 2 and 3; jail sentences suspended. (F. D. C. No. 30034. Sample Nos. 81267–K, 81270–K, 81272–K.)

INFORMATION FILED: February 19, 1951, Eastern District of Pennsylvania, against Isaac Russikoff, trading as Russikoff's Drug Store, Philadelphia, Pa.

INTERSTATE SHIPMENT: From the State of New York into the State of Pennsylvania, of quantities of *sulfathiazole tablets*.

ALLEGED VIOLATION: On or about June 23, 26, and 29, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drug to be repacked and sold without a prescription, which acts of the defendant resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (1), the repackaged tablets failed to bear a label

containing the common or usual name of the drug, i. e., sulfathiazole; and, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use of the drug.

DISPOSITION: July 12, 1951. A plea of nolo contendere having been entered the court imposed a fine of $500 on count 1 and sentences of 6 months in jail on each of counts 2 and 3. The jail sentences were suspended.

3565. Misbranding of No. 29 tablets and No. 367 tablets. U. S. v. 10 Jars, etc. (F. D. C. No. 30788. Sample No. 23694–L.)

LIBEL FILED: March 2, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about October 12, 1950, by the Buffalo Pharmacal Co., from Buffalo, N. Y.

PRODUCT: 10 1,000-tablet jars of *No. 29 tablets* and 10 1,000-tablet jars of *No. 367 tablets* at Madison, Conn., in possession of the Shore Chemical Co.

RESULTS OF INVESTIGATION: The tablets were shipped by the Buffalo Pharmacal Co. to a consignee at Madison, Conn., and were delivered by the consignee to the Shore Chemical Co. In addition to the tablets, there were in possession of the Shore Chemical Co., a stock of labels reading "Arpane Pain Tablets" which were for use in repackaging the *No. 29 tablets* and a stock of labels reading "Arpane Treatment Tablets" which were for use in repackaging the *No. 367 tablets.*

LABEL, IN PART: (Jar) "No. 29 xx 1000 Tablets xx Acetophenetidin Aspirin Caffeine Pink xx Acetophenetidin – 2½ grs. Aspirin – 2½ grs. Caffeine Alkaloid – ¼ gr. xx Warning: Contains Acetophenetidin. Frequent or continued use may be dangerous, causing serious blood disturbances. Do not take more than the dosage recommended. Caution: To be dispensed only by or on the prescription of a physician. Manufactured for Buffalo Pharmacal Company, Inc. Buffalo, N.Y." and "No. 367 xx 1000 Tablets Mixed Treatment CCT xx Mercury Bichloride – 1/64 gr. Potassium Iodide – 2 gr. Ferrous Iodide – 0.436 gr. Arsenous Iodide – 0.019 gr. Mercuric Iodide – 0.019 gr. Powdered Extract Nux Vomica – 0.0315 gr. (Representing Tincture Nux Vomica, 2 min. containing Strychnine .00218 gr.) xx Warning: Contains Arsenic, Mercury, Iodide and Strychnine. Excessive dosage is dangerous. The prolonged use of this preparation or the use of amounts in excess of the prescribed directions may cause serious mercury poisoning. Do not use in tuberculosis or thyroid disease, except under the direction of a physician. Caution: To be dispensed only by or on the prescription of a physician. Manufactured for Buffalo Pharmacal Company, Inc. Buffalo, N. Y."

NATURE OF CHARGE: *No. 29 tablets.* Misbranding Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use. The tablets were misbranded in this respect when introduced into and while in interstate commerce.

No. 29 tablets and *No. 367 tablets.* Misbranding, Section 502 (a), the following statements on the jar labels used in repackaging the tablets were false and misleading since the tablets were not effective in the relief or treatment of the conditions stated and implied: (No. 29 – Arpane Pain Tablets) "* * * for Relief in Arthritis and Rheumatism * * * This preparation combines the best known chemicals for the relief of suffering due to Arthritis and Chronic Rheumatism by lowering the temperature, lessening the swelling, reducing acidity and stimulating the blood vessels * * *" and (No. 367 – Arpane Treatment Tablets) "Treatment for Arthritis and