Further misbranding, Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged *pentobarbital sodium 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 (e) (1), the label of the repackaged *dextro-amphetamine sulfate tablets* failed to bear the common or usual name of the drug.

DISPOSITION: October 19, 1951. Pleas of guilty having been entered, the Court imposed a sentence of 12 months and a fine of $500 against William H. Childers, but suspended the execution of the sentence and placed him on probation for 3 years; and, in addition, the court imposed a fine of $150 against John H. Drake and placed him on probation for 2 years.

3604. Misbranding of pentobarbital sodium capsules. U. S. v. James R. Dupuy. Plea of guilty. Fine of $500 and sentence of 4 months in prison. (F. D. C. No. 31266. Sample Nos. 31080–L to 31082–L, incl.)

INFORMATION FILED: October 17, 1951, Western District of Tennessee, against James R. Dupuy, Memphis, Tenn.

INTERSTATE SHIPMENT: From the State of Missouri into the State of Tennessee, of quantities of *pentobarbital sodium capsules*.

ALLEGED VIOLATION: On or about March 31 and May 10 and 16, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of the *pentobarbital sodium capsules* to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drug failed to bear a label containing the name and address of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming, and the repackaged drug failed to bear a label containing the name, and quantity or proportion of such derivative and a juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: October 22, 1951. A plea of guilty having been entered, the court imposed a fine of $500 and a sentence of 4 months in prison.

3605. Adulteration and misbranding of elixir Dall-Phen. U. S. v. 21 Cartons * * *. (F. D. C. No. 31627. Sample Nos. 24625–L, 24632–L.)

LIBEL FILED: August 13, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about April 27, 1951, by the Robin Pharmacal Corp., from New York, N. Y.

PRODUCT: 21 cartons, each containing 12 unlabeled bottles, of *elixir Dall-Phen* at Lincoln Park, N. J. Analysis showed that the product contained not more than 0.1 mg., if any, of thiamine hydrochloride in each 5 cc.