

**3647. Misbranding of Tuinal capsules, Gantrisin tablets, and Benzedrine Sulfate tablets. U. S. v. Nathan Stoller (Stoller's Pharmacy). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 31243. Sample Nos. 79980-K, 80009-K to 80012-K, incl., 80244-K to 80251-K, incl.)**

**INFORMATION FILED:** November 8, 1951, District of Massachusetts, against Nathan Stoller, trading as Stoller's Pharmacy, Boston, Mass.

**INTERSTATE SHIPMENT:** From the States of Massachusetts, New Jersey, Indiana, and Pennsylvania, into the State of Massachusetts, of quantities of *Tuinal capsules, Gantrisin tablets, and Benzedrine Sulfate tablets.*

**ALLEGED VIOLATION:** On or about August 26 and 28 and September 1, 7, 10, 11, 13, and 18, 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; and Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *Tuinal capsules* contained derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels of the capsules failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the labels of the *Benzedrine Sulfate tablets* failed to bear the common or usual name of the drug; Section 502 (e) (2), the *Gantrisin tablets* were fabricated from two or more ingredients, and the labels of the tablets failed to bear the common or usual name of each active ingredient of the drug; and, Section 502 (f) (2), the labeling of the repackaged *Gantrisin tablets* failed to bear adequate warnings against use in those pathological conditions where the use of the drug may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

**DISPOSITION:** December 6, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

**3648. Misbranding of thyroid tablets and diethylstilbestrol tablets. U. S. v. Ole R. Ronning (Ronning Drug Store). Plea of guilty. Fine, \$200. (F. D. C. No. 30038. Sample Nos. 64644-K, 64656-K, 64668-K, 76128-K.)**

**INFORMATION FILED:** March 29, 1951, District of South Dakota, against Ole R. Ronning, trading as Ronning Drug Store, Sioux Falls, S. Dak.

**INTERSTATE SHIPMENT:** From the States of Minnesota and Indiana into the State of South Dakota, of quantities of *thyroid tablets and diethylstilbestrol tablets.*

**ALLEGED VIOLATION:** On or about March 2 and April 12, 19, and 20, 1950, while the drugs were being held for sale after shipment in interstate commerce, various quantities of the drugs were 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;