

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 *Seconal 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 repackaged capsules bore no 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 repackaged *methyltestosterone tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: March 7, 1952. A plea of guilty having been entered, the court fined the defendant \$80, together with costs.

3683. Misbranding of Seconal Sodium capsules and Dexedrine Sulfate tablets.
U. S. v. Joe G. Levin and Carl D. King. Pleas of *nolo contendere*. Fines of \$250 against Defendant Levin and \$100 against Defendant King, and each defendant placed on probation for 1 year. (F. D. C. No. 30584. Sample Nos. 82181-K, 82193-K, 93106-K, 93111-K, 93119-K, 93242-K.)

INFORMATION FILED: July 18, 1951, Northern District of Georgia, against Joe G. Levin, a partner in the partnership of the Owl Drug Co., Atlanta, Ga., and against Carl D. King, a pharmacist for the partnership.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Georgia, of quantities of *Seconal Sodium capsules* and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about October 16 and November 1, 2, 13, 15, and 22, 1950, while the drugs were being held for sale at the Owl Drug Co. 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.

Joe G. Levin was charged with causing the repacking and sale of the drugs involved in three of the counts, and Carl D. King was charged with causing the repacking and sale of the drugs involved in the remaining three counts.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name 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 adequate directions for use.

Further misbranding, Section 502 (e) (1), the repackaged *Dexedrine Sulfate tablets* failed to bear a label containing the common or usual name of such drug.

Further misbranding, Section 502 (d), the *Seconal 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 capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: March 7, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against Defendant Levin and a fine of \$100 against Defendant King and placed each defendant on probation for 1 year.

3684. Misbranding of Dexedrine Sulfate tablets. U. S. v. Cicero's Drug Store and Sherwood V. Roark. Pleas of nolo contendere. Each defendant fined \$250. (F. D. C. No. 30622. Sample Nos. 21037-L, 21045-L, 21049-L, 21951-L.)

INFORMATION FILED: September 12, 1951, Northern District of Texas, against Cicero's Drug Store, a partnership, Grand Prairie, Tex., and Sherwood V. Roark, a partner.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of Texas, of quantities of *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about February 22 and March 2 and 13, 1951, while the drug was being held for sale at Cicero's Drug Store after shipment in interstate commerce, the defendants caused a number of the tablets to be repackaged and sold without a physician's prescription, which acts 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 (f) (1), the labeling of the repackaged tablets bore no directions for use; Section 502 (b) (1), the repackaged tablets involved in three of the four sales failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (e) (1), the repackaged tablets involved in one of the sales failed to bear a label containing the common or usual name of the drug.

DISPOSITION: February 28, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against Cicero's Drug Store and \$250 against Sherwood V. Roark.

3685. Misbranding of amphetamine sulfate tablets. U. S. v. Hardy McClary. Plea of guilty. Sentence of 1 year in prison and fine of \$500; execution of prison sentence suspended and defendant placed on probation for 1 year. (F. D. C. No. 30625. Sample Nos. 21012-L, 21013-L.)

INFORMATION FILED: September 12, 1951, Northern District of Texas, against Hardy McClary, Dallas, Tex.

INTERSTATE SHIPMENT: On or about March 5, 1951, from the State of New Jersey into the State of Texas, of a quantity of *amphetamine sulfate tablets*.

ALLEGED VIOLATION: On or about March 23 and 24, 1951, while the drug was being held for sale after shipment in interstate commerce, various quantities of the drug were repacked and sold by the defendant without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drug 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 drug failed to bear a label containing the common or usual name of the drug; and Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

DISPOSITION: February 22, 1952. The defendant having entered a plea of guilty, the court sentenced him to imprisonment for 1 year and fined him \$500. The