

**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

court ordered, however, that the execution of the sentence of 1 year be suspended upon payment of the fine.

The fine was paid on February 25, 1952, and on February 28 the sentence of 1 year in prison was suspended, and the defendant was placed on probation for 1 year.

**3686. Misbranding of testosterone. U. S. v. Joseph C. Mills. Plea of guilty. Defendant sentenced to 7 days in prison. (F. D. C. No. 32745. Sample No. 28263-L.)**

**INFORMATION FILED:** January 21, 1952, District of Arizona, against Joseph C. Mills, Tucson, Ariz.

**ALLEGED SHIPMENT:** On or about January 25, 1951, from the State of Arizona into the State of California, of a number of unlabeled ampuls of testosterone.

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, and against unsafe dosage and method and duration of administration, and such manner and form, as are necessary for the protection of users, in that the article was for use by injection into or through the skin and contained 24.7 milligrams of testosterone (male sex hormone) per cubic centimeter; and the labeling of the article failed to warn that its use by females may have masculinizing effects such as the development of excessive hair growth on the face and body, coarsening of the voice, acne, suppression of normal menstruation, enlargement of the clitoris, and decreasing the size of the breasts; that its use by males with carcinoma of the prostate may result in acceleration of the malignant growth; and that its use by children may induce precocious puberty.

**DISPOSITION:** March 12, 1952. A plea of guilty having been entered, the court imposed a sentence of 7 days in prison.

#### **DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**3687. Adulteration of celandine herb. U. S. v. 6 Bales \* \* \*. (F. D. C. No. 32678. Sample No. 12093-L.)**

**LABEL FILED:** February 19, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 5, 1951, from Jersey City, N. J.

**PRODUCT:** 6 bales, each containing 162 pounds, of *celandine herb* at Cincinnati, Ohio.

**LABEL, IN PART:** "Imported Great Celandine Herb \* \* \* for Manufacturing or Repacking Use Only."

**NATURE OF CHARGE:** Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs. The article was adulterated while held for sale after shipment in interstate commerce.