

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

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court and jury on October 20, 1952. The trial was concluded on October 21, 1952, with the return by the jury of a verdict of guilty. On October 29, 1952, the court imposed a fine of \$500, a sentence of six months in jail, which was suspended, and placed the defendant on probation for five years.

3845. Misbranding of amphetamine sulfate tablets and capsules of Seconal Sodium and Amytal Sodium. U. S. v. Neal A. Brady (Brady Drugs). Plea of nolo contendere. Fine of \$600, plus costs. (F. D. C. No. 32726. Sample Nos. 18811-L, 18813-L, 18816-L, 18819-L.)

INFORMATION FILED: September 16, 1952, Southern District of Iowa, against Neal A. Brady, trading as Brady Drugs, Des Moines, Iowa.

ALLEGED VIOLATION: On or about October 28 and November 4 and 12, 1951, while a number of *amphetamine sulfate tablets* and capsules of *Seconal Sodium* and *Amytal Sodium* were being held for sale at Brady Drugs after shipment in interstate commerce, the defendant caused various quantities of the capsules and tablets to be repackaged and dispensed without a physician's prescription, which acts resulted in the capsules and tablets being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs, with the exception of one lot of the capsules, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate 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 (d), the repackaged capsules contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportions of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the label of the repackaged tablets failed to bear the common or usual name of each active ingredient of the drug.

DISPOSITION: January 27, 1953. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$600, plus costs.

3846. Misbranding of Benzedrine Sulfate tablets, Seconal Sodium capsules, and Savatan capsules. U. S. v. Warren Pizinger and Henry Fiegenbaum. Pleas of nolo contendere. Fine of \$1,000, plus costs, against Defendant Pizinger and \$250 against Defendant Fiegenbaum; each defendant also placed on probation for 3 years. (F. D. C. No. 31253. Sample Nos. 55968-K, 55969-K, 70189-K.)

INFORMATION FILED: November 28, 1951, District of Nebraska, against Warren Pizinger, manager of the City Drug Store, 4502 South 24th St., Omaha, Nebr., and Henry Fiegenbaum, a pharmacist in the store.