

Drug Store, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), all of the repackaged drugs, with the exception of a portion of the *phenobarbital tablets*, failed to bear labels 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 an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of all of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the *phenobarbital tablets* and *Seconal Sodium capsules* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and such repackaged drugs failed to bear labels containing 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) (2), the *methyltestosterone tablets* and *dextro-amphetamine sulfate tablets* were fabricated from two or more ingredients, and they failed to bear labels containing the common or usual name of each active ingredient.

DISPOSITION: January 23, 1953. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$500.

3927. Misbranding of pentobarbital sodium capsules and methyltestosterone tablets. U. S. v. Martin A. Gluckman (Martin's Drugs). Plea of nolo contendere. Fine of \$900, plus costs. (F. D. C. No. 33725. Sample Nos. 15185-L to 15190-L, incl.)

INFORMATION FILED: March 19, 1953, Southern District of Iowa, against Martin A. Gluckman, trading as Martin's Drugs, Council Bluffs, Iowa.

ALLEGED VIOLATION: On or about February 15, 21, and 26, 1952, while a number of *pentobarbital sodium capsules* and *methyltestosterone tablets* were being held for sale at Martin's Drugs, after shipment in interstate commerce, the defendant caused various quantities of such drugs to be repacked and dispensed 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 a label 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 (b) (1), the repackaged *methyltestosterone tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *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 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), a portion of the repackaged *methyltestosterone tablets* failed to bear a label containing the common or usual name of the tablets.

DISPOSITION: March 19, 1953. A plea of *nolo contendere* having been entered by the defendant, the court fined him \$900, plus costs.

3928. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Isidor Rosenfeld and George J. Robbins. Pleas of *nolo contendere*. Fine of \$100 against each defendant. (F. D. C. No. 33721. Sample Nos. 24551-L, 24554-L.)

INFORMATION FILED: February 9, 1953, Eastern District of New York, against Isidor Rosenfeld and George J. Robbins, partners in the partnership of the Morton Pharmacy, Long Island City, N. Y.

ALLEGED VIOLATION: On or about May 19 and July 6, 1951, while a number of *dextro-amphetamine sulfate tablets* were being held for sale at the Morton Pharmacy, after shipment in interstate commerce, the defendants caused quantities of the tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets 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 repackaged tablets were fabricated from two or more ingredients, and they failed to bear a label containing the common or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the repackaged tablets failed to bear adequate directions for use.

DISPOSITION: March 18, 1953. Pleas of *nolo contendere* having been entered, the court fined each defendant \$100.

3929. Misbranding of sulfathiazole tablets. U. S. v. Isadore Arthur Shenk (Garden Pharmacy). Plea of guilty. Fine, \$150. (F. D. C. No. 32795. Sample Nos. 25359-L, 25360-L, 26638-L, 26639-L.)

INFORMATION FILED: October 15, 1952, Eastern District of Pennsylvania, against Isadore Arthur Shenk, trading as the Garden Pharmacy, Philadelphia, Pa.

ALLEGED VIOLATION: On or about November 7, 13, and 20, 1951, while a number of *sulfathiazole tablets* were being held for sale at the Garden Pharmacy, after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and dispensed 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 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) (1), the label of the repackaged drug failed to bear the common or usual name of the drug; and, Sections 502 (f) (1) and (2), the labeling of the repackaged drug failed to bear adequate directions for use and adequate warnings against use in those pathological conditions where its use 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: April 8, 1953. The defendant having entered a plea of guilty, the court fined him \$150.