

## VIOLATIVE SALES OF PRESCRIPTION DRUGS

**3941. Misbranding of pentobarbital sodium capsules and methyltestosterone linguets. U. S. v. Harold E. Axtell (Axtell Prescription Pharmacy). Plea of nolo contendere. Fine of \$150, plus costs. (F. D. C. No. 33746. Sample Nos. 15212-L, 15214-L to 15217-L, incl., 15221-L.)**

**INFORMATION FILED:** January 28, 1953, District of Nebraska, against Harold E. Axtell, trading as the Axtell Prescription Pharmacy, Beatrice, Nebr.

**NATURE OF CHARGE:** On or about March 26 and April 7, 12, 18, and 22, 1952, while a number of *pentobarbital sodium capsules* and *methyltestosterone linguets* were being held for sale at the Axtell Prescription Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded as follows: Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2) all the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents. 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 repackaged 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." Further misbranding, Section 502 (e) (2), the repackaged *methyltestosterone linguets* failed to bear a label containing the common or usual name of each active ingredient of the drug; and, Section 502 (f) (1), the labeling of all the repackaged drugs failed to bear adequate directions for use.

Further misbranding, on or about April 28, 1952, while a number of *methyltestosterone linguets* were being held for sale at the Axtell Prescription Pharmacy, after shipment in interstate commerce, the defendant caused a number of the *methyltestosterone linguets* to be dispensed without a prescription from a practitioner licensed by law to administer such drug. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drug being misbranded.

**DISPOSITION:** February 10, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$150, plus costs.

**3942. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Eliot Pharmacy, Inc., and Morris Wernick. Pleas of guilty. Fine of \$250 against each defendant. (F. D. C. No. 33853. Sample Nos. 44577-L, 44579-L.)**

**INFORMATION FILED:** January 20, 1953, District of Massachusetts, against the Eliot Pharmacy, Inc., Boston, Mass., and Morris Wernick, treasurer of the corporation.

**NATURE OF CHARGE:** On or about August 6 and 7, 1952, while quantities of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at the Eliot Pharmacy, Inc., after shipment in interstate com-

merce, the defendants caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drugs being misbranded.

DISPOSITION: February 24, 1953. Pleas of guilty having been entered, the court imposed a fine of \$250 against each defendant.

**3943. Misbranding of thyroid tablets and methamphetamine hydrochloride tablets. U. S. v. Herman H. Michelson (Dixie Drugs). Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 33757. Sample Nos. 12383-L, 36193-L, 36627-L.)**

INFORMATION FILED: January 28, 1953, Western District of Kentucky, against Herman H. Michelson, trading as Dixie Drugs, Louisville, Ky.

NATURE OF CHARGE: On or about April 3 and 24, 1952, while a number of *thyroid tablets* were being held for sale at Dixie Drugs, 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 tablets being misbranded as follows: Section 502 (b) (1), a portion of the repackaged *thyroid tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all the repackaged *thyroid tablets* failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (1), a portion of the repackaged *thyroid tablets* failed to bear a label containing the common or usual name of the tablets; and, Section 502 (f) (1), the labeling of all the repackaged *thyroid tablets* failed to bear adequate directions for use.

Further misbranding, on or about April 28, 1952, while a number of *methamphetamine hydrochloride tablets* were being held for sale at Dixie Drugs, after shipment in interstate commerce, the defendant caused a number of the tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drug. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drug being misbranded.

DISPOSITION: March 13, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$100, plus costs.

**3944. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Claude H. Mathis, Sr. (Mathis Drug Store). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 33841. Sample Nos. 46520-L, 46521-L.)**

INFORMATION FILED: December 5, 1952, Northern District of Mississippi, against Claude H. Mathis, Sr., trading as the Mathis Drug Store, Corinth, Miss.

NATURE OF CHARGE: On or about June 21 and 22, 1952, while a number of *dextro-amphetamine sulfate tablets* were being held for sale at the Mathis Drug Store, after shipment in interstate commerce, the defendant caused a number of the tablets to be dispensed without a prescription from a practitioner licensed by law to administer such drug. This act of dispensing was contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drug being misbranded.

DISPOSITION: April 6, 1953. The defendant having entered a plea of nolo contendere, the court fined the defendant \$50.