

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.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

3945. Misbranding of pentobarbital sodium capsules. U. S. v. Duvall Pharmacy, Inc., and Charles H. Wagner. Pleas of guilty. Fine of \$300 against each defendant, plus costs. (F. D. C. No. 33740. Sample Nos. 3995-L, 3996-L, 4009-L.)

INFORMATION FILED: January 23, 1953, District of Maryland, against Duvall Pharmacy, Inc., Baltimore, Md., and Charles H. Wagner, vice president and pharmacist for the corporation.

ALLEGED VIOLATION: On or about November 7 and 13 and December 4, 1951, while a number of *pentobarbital sodium capsules* were being held for sale at Duvall Pharmacy, Inc., after shipment in interstate commerce, the defendants caused various quantities of the capsules to be repacked and dispensed without a prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged 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."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear adequate directions for use.

DISPOSITION: February 27, 1953. Pleas of guilty having been entered on behalf of the defendants, the court fined each defendant \$300, plus costs.

3946. Misbranding of Seconal Sodium capsules. U. S. v. L & S Pharmacy, Inc. (Whelan Drug (Sales Agency)), Stephan Stimac, and James M. Loureiro. Pleas of nolo contendere. Fine of \$200 against each defendant. (F. D. C. No. 33755. Sample Nos. 26899-L to 26902-L, incl., 27586-L to 27588-L, incl.)

INFORMATION FILED: February 26, 1953, Northern District of California, against L & S Pharmacy, Inc., doing business as Whelan Drug (Sales Agency), and against Stephan Stimac, president of the corporation, and James M. Loureiro, secretary-treasurer.

ALLEGED VIOLATION: On or about November 21, 23, 26, and 29, and December 4, 5, 6, and 18, 1951, while a number of *Seconal Sodium capsules* were being held for sale at L & S Pharmacy, Inc., after shipment in interstate commerce, the defendants caused various quantities of the *Seconal Sodium capsules* to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

*See also Nos. 3941, 3943.