

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

4043. Misbranding of Seconal Sodium capsules. U. S. v. Louis E. Krouse (Main Cut Rate), and Daniel Krowitz. Pleas of not guilty. Tried to the court and jury. Verdict of guilty. Fine of \$1,000 against Defendant Krouse and \$500 against Defendant Krowitz and sentence of 1 year in jail against each defendant. Jail sentences suspended and each defendant placed on probation for 5 years. (F. D. C. No. 33733. Sample No. 25704-L.)

INFORMATION FILED: December 30, 1952, Eastern District of Pennsylvania, against Louis E. Krouse, trading as Main Cut Rate, Philadelphia, Pa., and against Daniel Krowitz, also known as David Krouse, an employee of Main Cut Rate.

ALLEGED VIOLATION: On or about June 5, 1951, while a number of *Seconal Sodium capsules* were being held for sale at Main Cut Rate, after shipment in interstate commerce, the defendants caused one bottle of the capsules to be dispensed in the original bottle in which the capsules had been shipped in interstate commerce, without a prescription of a physician, which act resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the capsules bore no directions for use (the bottle in which the capsules were shipped in interstate commerce bore no directions for use since it was exempt from such requirement by the label statement "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the drug without a physician's prescription caused the exemption to expire).

DISPOSITION: The defendants having entered pleas of not guilty, the case came on for trial before the court and jury on March 4, 1953, and was concluded on March 6, 1953, with the return of a verdict of guilty by the jury. Thereafter, a motion for a new trial, or, in the alternative, for a judgment of acquittal, was filed on behalf of the defendants, and on June 23, 1953, the motion was dismissed for failure of the defendants to pursue the matter further.

On July 22, 1953, the court fined Defendant Krouse \$1,000 and Defendant Krowitz \$500 and sentenced each defendant to 1 year in jail. The jail sentences were suspended, and each defendant was placed on probation for 5 years.

4044. Misbranding of methyltestosterone tablets, dextro-amphetamine sulfate tablets, thyroid tablets, and tablets containing a mixture of mannitol hexanitrate and phenobarbital. U. S. v. Fay C. Dyes and Milton J. Reynaud. Pleas of nolo contendere. Fine of \$150 against each defendant. (F. D. C. No. 33742. Sample Nos. 31026-L, 34174-L, 34377-L to 34379-L, incl., 34382-L.)

INFORMATION FILED: January 19, 1953, Western District of Missouri, against Fay C. Dyes and Milton J. Reynaud, partners in the partnership of Dyes Drug Store, Aurora, Mo.

ALLEGED VIOLATION: On or about March 19, and 20, 1952, while a number of *methyltestosterone tablets, dextro-amphetamine sulfate tablets, thyroid tablets, and tablets containing a mixture of mannitol hexanitrate and phenobarbital* were being held for sale at Dyes Drug Store, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be re-

*See also No. 4041.