

act of dispensing was contrary to Section 503 (b) (1), and resulted in the drugs being misbranded while held for sale.

DISPOSITION: May 13, 1953. The defendant having entered a plea of guilty, the court fined him \$200.

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

4110. Misbranding of amphetamine sulfate tablets. U. S. v. Samuel Swartz (Sam's Cut Rate Drugs), and Chester J. Marciniak and Ralph E. Pickard. Pleas of nolo contendere. Fine of \$75 against each defendant; fines against Defendants Marciniak and Pickard suspended. (F. D. C. No. 34813. Sample Nos. 12082-L, 12724-L, 12730-L.)

INFORMATION FILED: April 23, 1953, Northern District of Ohio, against Samuel Swartz, trading as Sam's Cut Rate Drugs, Toledo, Ohio, and Ralph E. Pickard, manager, and Chester J. Marciniak, a pharmacist.

ALLEGED VIOLATION: On or about March 12, 13, and 19, 1952, while a number of *amphetamine sulfate tablets* were being held for sale at Sam's Cut Rate Drugs, after shipment in interstate commerce, the defendants caused various 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, Section 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 their label failed to bear 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: April 23, 1953. Pleas of nolo contendere having been entered, the court fined each defendant \$75, but suspended the fines against Defendants Marciniak and Pickard.

4111. Misbranding of dextro-amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. College Avenue Pharmacy and J. Homer Thompson and Hoyt A. Thompson. Pleas of nolo contendere. Fine of \$150 against each defendant. Individual defendants also placed on probation for 2 years. (F. D. C. No. 34310. Sample Nos. 757-L, 1741-L, 1746-L, 1754-L, 1758-L, 1759-L, 2002-L.)

INFORMATION FILED: March 27, 1953, Northern District of Georgia, against the College Avenue Pharmacy, a partnership, Decatur, Ga., and J. Homer Thompson and Hoyt A. Thompson, partners in the partnership.

ALLEGED VIOLATION: On or about November 18 and December 9, 13, and 24, 1951, and January 7, 8, and 14, 1952, while a number of *dextro-amphetamine sulfate tablets* and *Seconal Sodium capsules* were being held for sale at the College Avenue Pharmacy, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and dispensed without a 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 (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 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."

**DISPOSITION:** April 17, 1953. Pleas of nolo contendere having been entered by the defendants, the court fined each defendant \$150. In addition, the court placed each individual defendant on probation for 2 years.

**4112. Misbranding of Blue Ridge dry mineral water. U. S. v. 44 Cartons \* \* \* (F. D. C. No. 34909. Sample No. 64840-L.)**

**LIBEL FILED:** March 23, 1953, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about July 30, 1952, by the Blue Ridge Minerals Co., from Chicago, Ill.

**PRODUCT:** 44 cartons of *Blue Ridge dry mineral water* at Waterloo, Iowa. Examination showed that the product was a mixture of epsom salt, table salt (sodium chloride), sodium bicarbonate, and calcium carbonate.

**LABEL, IN PART:** (Carton) "Blue Ridge Dry Mineral Water A Combination of Natural Minerals To Add To Your Drinking Water Analysis Of Contents Magnesium Sulphate, Calcium Carbonate, Sodium Bi-carbonate, Sodium Chloride. Net Weight One-Half Pound."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Dry Mineral Water \* \* \* A Combination of Natural Minerals \* \* \* How To Make Your Own Mineral Water \* \* \* Drink Blue Ridge Mineral Water" were false and misleading since the article was not a dry mineral water or a combination of natural minerals and would not make a mineral water when used as directed.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended, namely, in the treatment of arthritis, kidney, liver, and stomach disorders, and high blood pressure, which were the conditions for which the article was recommended in advertising sponsored by the distributor, the Blue Ridge Minerals Co.

**DISPOSITION:** April 23, 1953. Default decree of condemnation and destruction.

#### **DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS**

**4113. Adulteration and misbranding of sodium chloride. U. S. v. 11 Sacks, etc. (F. D. C. No. 34660. Sample No. 54968-L.)**

**LIBEL FILED:** February 16, 1953, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 15, 1952, from Port Huron, Mich.

**PRODUCT:** 11 50-pound sacks and 1 40-pound sack of *sodium chloride* at Chicago, Ill.

**RESULTS OF INVESTIGATION:** The product was delivered to Arthur S. LaPine & Co., after arrival at Chicago, and was repackaged by that firm into 50-pound plastic sacks bearing the label described below.

**LABEL, IN PART:** (Sack) "50 Pounds Sodium Chloride U. S. P. Granular contents intended for laboratory or manufacturing use Distributed by Arthur S. LaPine Company \* \* \* Chicago 29, Illinois."