derivative has been found to be, and by regulations designated as, habit forming; and the label of the article failed to bear in juxtaposition with the name, and quantity or proportion of such derivative the statement "Warning—May be habit forming." Further misbranding, Section 502 (a), the label designation "Veratrum Compound Tablets" was misleading as applied to the article, which contained in addition to veratrum other potent ingredients.

Tablets containing a mixture of phenobarbital, aminophylline, and rutin. Misbranding, Section 502 (d), the article contained phenobarbital, 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 article failed to bear in juxtaposition with the name, and quantity or proportion of such derivative the statement "Warning—May be habit forming." Further misbranding, Section 502 (b) (1), the article failed to bear a label containing the place of business of the manufacturer, packer, or distributor, since the name of the city, Seattle, Wash., which appeared on the label unaccompanied by a street address, did not reveal the firm's place of business, and the firm's street address was not shown in the current city directory or telephone directory; and, Section 503 (b) (4), the article was a habit-forming drug to which Section 502 (d) applied, and the label of the article failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

The *Dex-Amo tablets* were alleged to be adulterated and misbranded and the *Paba-Sal tablets* and the *Dasil veratrum compound tablets* were alleged to be misbranded as described above when introduced into and while in interstate commerce. The other drugs involved were alleged to be misbranded under Section 503 (b) (4), as stated above, while held for sale after shipment in interstate commerce. The 2½-milligram and the 5-milligram *desoxyephedrine hydrochloride tablets, amphetamine sulfate tablets, drug presumed to be dextro-amphetamine sulfate tablets,* and *tablets containing a mixture of phenobarbital, aminophylline, and rutin* also were alleged to be misbranded under other sections of the Act, as stated above, when introduced into and while in interstate commerce.

DISPOSITION: July 24, 1953. Default decree of condemnation and destruction.

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

4210. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Alan W. Saul (Saul's Pharmacy). Plea of nolo contendere. Fine, $450. (F. D. C. No. 33724. Sample Nos. 3516–L to 3518–L, incl.)

INFORMATION FILED: July 22, 1953, Eastern District of Virginia, against Alan W. Saul, trading as Saul's Pharmacy, Norfolk, Va.

ALLEGED VIOLATION: On or about February 20 and 27 and March 7, 1952, while a number of *dextro-amphetamine sulfate tablets* were being held for sale at Saul's Pharmacy after shipment in interstate commerce, the defendant caused a number of such tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged tablets failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), the label of the article failed to bear the com-

*See also No. 4209.

mon or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: November 16, 1953. The defendant having entered a plea of nolo contendere, the court fined him $450.

4211. Misbranding of dried herbs. U. S. v. Charles E. Farley (Botanical & Marine Laboratories). Motion denied to dismiss information. Plea of nolo contendere. Sentence of 3 months in prison suspended and defendant placed on probation for 2 years. (F. D. C. No. 33762. Sample Nos. 5261–L, 5262–L, 5270–L, 6111–L.)

INFORMATION FILED: April 6, 1953, District of New Hampshire, against Charles E. Farley, trading as Botanical & Marine Laboratories, Manchester, N. H.

ALLEGED SHIPMENT: On or about December 30, 1950, and January 30, February 16, and November 9, 1951, from the State of New Hampshire into the States of Maine and Massachusetts.

LABEL, IN PART: "The Genuine Abbe Hamon Tea prepared By Botanical and Marine Laboratories * * * Formula No. 6 [or "Formula No. 11"]," "Abbe Hamon Formula Compounded and Packed In U. S. A. By Botanical and Marine Laboratories * * * Formula No. 1," and "The Genuine Abbe Hamon * * * Formula No. 13."

NATURE OF CHARGE: *Abbe Hamon Formula No. 1.* Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an adequate and effective treatment for diabetes; that it would enable organs of the body which refuse to perform their usual functions to again operate normally; and that it would heal illnesses and correct organic disorders brought about by daily abuse during months and years. The article would not be an adequate and effective treatment for diabetes, and it would not accomplish the results claimed. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article were not adequate for use in the treatment of diabetes; to enable organs of the body which refuse to perform their usual functions to again operate normally; and to heal illnesses and correct disorders brought about by daily abuse during months and years, which were the conditions and symptoms for which the article was prescribed, recommended, and suggested in its labeling.

Abbe Hamon Formula No. 6. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an adequate and effective treatment for epilepsy, all diseases of the nerves, neuralgia, insomnia, eclampsia, chorea, hysteria, and neurasthenia. The article would not be an adequate and effective treatment for such diseases and conditions. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article were not adequate for use in the treatment of the ailments and conditions for which the article was prescribed, recommended, and suggested in its labeling.

Abbe Hamon Formula No. 11. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an effective and adequate treatment for obesity, paralysis, goiter, and arteriosclerosis; that it would enable organs of the body which refuse to perform their usual functions to again operate normally; and that it would heal illnesses and correct