

VIOLATIVE SALES OF PRESCRIPTION DRUGS

4321. Misbranding of dextro-amphetamine sulfate tablets, pentobarbital sodium capsules, Seconal Sodium capsules, thyroid tablets, sulfisoxazole tablets, and methyltestosterone tablets. U. S. v. Reed's Cut Rate Drugs, Inc., Saul M. Blumenthal, Robert P. Alexander, Frank R. Cooley, Robert N. Dodd, and Jack M. Gavant. Pleas of not guilty by corporation and Defendants Blumenthal and Cooley; pleas of nolo contendere by Defendants Alexander, Dodd, and Gavant. Tried to the court and jury. Verdict of guilty against corporation; verdicts of not guilty against Defendants Blumenthal and Cooley. Fine of \$500 against corporation, \$150 against Defendant Alexander, \$50 against Defendant Dodd, and \$200 against Defendant Gavant. Corporation placed on probation for 1 year and Defendants Alexander, Dodd, and Gavant placed on probation for 2 years. (F. D. C. No. 35160. Sample Nos. 2490-L, 59311-L, 59313-L, 59316-L, 59317-L, 59634-L to 59638-L, incl.)

INFORMATION FILED: September 3, 1953, Northern District of Georgia, against Reed's Cut Rate Drugs, Inc., Atlanta, Ga., Saul M. Blumenthal, president and general manager of the corporation, Frank R. Cooley and Jack M. Gavant, store managers and pharmacists for the corporation, Robert P. Alexander, a pharmacist, and Robert N. Dodd, a clerk employed by the corporation.

NATURE OF CHARGE: On or about December 22, 1952, and March 3, 4, 5, 6, 9, 10, and 12, 1953, while a number of *dextro-amphetamine sulfate tablets*, *pentobarbital sodium capsules*, *Seconal Sodium capsules*, *thyroid tablets*, *sulfisoxazole tablets* and *methyltestosterone tablets* were being held for sale at Reed's Cut Rate Drugs, Inc., after shipment in interstate commerce, various quantities of *dextro-amphetamine sulfate tablets*, *thyroid tablets*, *sulfisoxazole tablets*, and *methyltestosterone tablets* were dispensed without a prescription from a practitioner licensed by law to administer such drugs, and various quantities of *pentobarbital sodium capsules* and *Seconal Sodium capsules* were dispensed upon requests for refills of written prescriptions for such drugs without obtaining authorization by the prescribers. The corporation and Saul M. Blumenthal were charged with causing the act of dispensing involved in each of the 10 counts of the information, and Jack M. Gavant in counts 1, 2, 3, and 4, Robert P. Alexander in counts 5, 6, and 7, Frank R. Cooley in count 8, and Robert N. Dodd in counts 9 and 10 were joined as defendants. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: The corporation and Defendants Blumenthal and Cooley entered pleas of not guilty, and Defendants Alexander, Dodd, and Gavant entered pleas of nolo contendere. The case came on for trial before the court and jury on March 29, 1954, and at the conclusion of the trial on March 30, 1954, the jury returned a verdict of guilty with respect to the corporation and verdicts of not guilty with respect to Defendants Blumenthal and Cooley. On April 12, 1954, the court fined the corporation \$500, Defendant Alexander \$150, Defendant Dodd \$50, and Defendant Gavant \$200. The court also placed the corporation on probation for 1 year and Defendants Alexander, Dodd, and Gavant on probation for 2 years.