

**FEDERAL SECURITY AGENCY****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

2051-2100

**DRUGS AND DEVICES**

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 10, 1947.*

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**DRUG ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED  
ACCORDING TO DIRECTIONS**

**2051. Misbranding of combination packages of gauze bandage and crystalline sulfanilamide. U. S. v. 800 Combination Packages of Gauze Bandage and Crystalline Sulfanilamide (and 1 other seizure action against gauze bandage and crystalline sulfanilamide). Default decrees of condemnation. Portion of product ordered delivered to a public institution; remainder ordered destroyed. (F. D. C. Nos. 20556, 20699. Sample Nos. 63801-H, 63806-H.)**

**LIBELS FILED:** July 25 and August 8, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** The article was originally shipped on February 15 and 23, April 2, and May 2, 1945, from Boston, Mass., to New York, N. Y., and was intended to be part of certain emergency equipment used by the Army Air Forces. At the termination of the war, a portion of the consignments involved were declared surplus by the Army and later sold to dealers within the City of New York.

**PRODUCT:** 800 and 13,500 combination packages each containing a *gauze bandage* and a small envelope of *crystalline sulfanilamide* at New York, N. Y.

\*For presence of a habit-forming narcotic without warning statement, see No. 2053; deceptive packaging, No. 2063; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 2056; omission of, or unsatisfactory, ingredients statements, Nos. 2056, 2089; labeling information not likely to be read and understood by the ordinary individual under customary conditions of purchase and use, Nos. 2057, 2059; cosmetics, subject to the drug provisions of the Act, Nos. 2095, 2096.

**NATURE OF CHARGE:** Misbranding, Section 502 (j), the *crystalline sulfanilamide* would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "Directions \* \* \* After controlling hemorrhage, sprinkle powder in wound, covering the depth and injured surfaces lightly, then cover with sterile dressing and bandage."

**DISPOSITION:** August 23 and December 13, 1946. No claimant having appeared, judgments of condemnation were entered and the lot of 800 packages was ordered destroyed, and the lot of 13,500 packages was ordered delivered to the Department of Hospitals of the City of New York.

#### DRUG CONTAINING PENICILLIN DISPENSED WITHOUT PRESCRIPTION OF PHYSICIAN

**2052. Action to enjoin and restrain the sale of misbranded Ledercillin-G Lozenges.** U. S. v. Parkview Drug Co., Phil Small, John Small, and Harry Small. Consent decree granting injunction. (Inj. No. 141.)

**COMPLAINT FILED:** May 29, 1946, Western District of Missouri, against the Parkview Drug Co., a corporation, Kansas City, Mo., and Phil Small, John Small, and Harry Small, officers of the corporation.

**NATURE OF CHARGE:** Section 507. That the defendants had for a long time operated a chain of drug stores in Kansas City, Mo., and had been and were offering for sale at their drug stores, without the submission of a physician's prescription, a drug under the name *Ledercillin-G Lozenges* which contained penicillin. The complaint further alleged that the Federal Security Administrator had promulgated regulations for the certification of drugs composed wholly or partly of penicillin, which regulations provided that such drugs should be dispensed by or on the prescription of a physician, and that the defendants had on hand at the various stores a large stock of the drug which they were selling and intended to sell in the future.

**PRAYER OF COMPLAINT:** That a temporary restraining order be issued immediately without a hearing; that within 10 days after the granting of the restraining order a temporary injunction issue; and that after final hearing, defendants be permanently enjoined and restrained from sale of the article without a physician's written prescription.

**DISPOSITION:** October 1, 1946. The defendants having consented to the entry of a decree, the court issued an order permanently enjoining the defendants and their agents from the sale of any drug containing a derivative of penicillin without the written prescription of a physician.

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

**2053. Alleged misbranding of seconal sodium capsules and benzedrine sulfate tablets.** U. S. v. Alfred R. Collins (Collins Bros., Walgreen Agency Drug). Plea of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 17860. Sample Nos. 26067-H to 26069-H, incl.)

**INFORMATION FILED:** August 12, 1946, Northern District of Texas, against Alfred R. Collins, trading as Collins Bros., Walgreen Agency Drug, Big Springs, Tex.

**INTERSTATE SHIPMENT:** Between the approximate dates of February 1944, and October 10, 1944, from Indianapolis, Ind., and Philadelphia, Pa., of a quantity of *seconal sodium capsules* and *benzedrine sulfate tablets*.

**LABEL, WHEN SHIPPED:** "500 Pulvules Seconal Sodium 1½ grs. \* \* \* Caution: To be used only by or on the prescription of a physician \* \* \* Eli Lilly and Company Indianapolis," or "250 Tablets 10 mg. Benzedrine Sulfate Tablets \* \* \* Caution: To be used only by or on the prescription of a physician \* \* \* Smith, Kline & French Laboratories Philadelphia, Pa."

**NATURE OF CHARGE:** That on or about March 16, 20, and 21, 1945, the defendant caused to be removed a number of tablets from bottles bearing the labels described above, repacked the tablets into unlabeled envelopes, and sold those tablets without a prescription.

The information charged further that the act of the defendant resulted in the misbranding of the articles in the following respects: Section 502 (f) (1),