

of *sulfathiazole tablets* were misleading since they implied that the product would be safe and appropriate for administration when used as so directed, whereas it was not safe and appropriate for use but was dangerous to health when so used.

**DISPOSITION:** October 28, 1948. Pleas of *nolo contendere* having been entered, the court fined both Irvin A. Feld and Israel S. Feld \$300 on each of counts 9 through 18, covering five of the *gonorrhoea treatments* and the *ephedrine and amytal capsules*, and sentenced each individual to serve 60 days in jail in event of nonpayment. The fines were to run concurrently on each count. James W. Spriggs was sentenced to pay a fine of \$200 on each of counts 1 through 8, covering three of the *gonorrhoea treatments*, the *sulfathiazole tablets*, and the *sleeping potion*, or to serve 60 days in jail in the event of nonpayment. These fines also were to run concurrently. Joseph D. Cabaniss and Arlington D. Anderson were given the same sentence as defendant Spriggs, covering charges in the case of defendant Cabaniss as set forth in counts 1, 2, 3, 4, 7, 9, 10, 15, and 16 relating to four of the *gonorrhoea treatments* and the *sulfathiazole tablets*, and covering the charges in the case of defendant Anderson as set forth in counts 5, 6, 8, 11, 12, 13, 14, 17, and 18 relating to four of the *gonorrhoea treatments*, the *sleeping potion*, and the *ephedrine and amytal capsules*.

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

2652. Misbranding of phenobarbital sodium capsules, phenobarbital tablets, and nembutal capsules. U. S. v. John Altergott (John Altergott Drug Co.). Plea of not guilty. Tried to the court. Verdict of guilty. Fine, \$175 and costs. (F. D. C. No. 25584. Sample Nos. 20517-K to 20520-K, incl., 20523-K, 20524-K, 20527-K.)

**INFORMATION FILED:** January 3, 1949, Western District of Missouri, against John Altergott, trading as the John Altergott Drug Co., Kansas City, Mo.

**INTERSTATE SHIPMENT:** Between the approximate dates of October 16, 1947, and June 4, 1948, from Bristol, Tenn., and North Chicago, Ill., to Kansas City, Mo., of quantities of *phenobarbital sodium capsules*, *phenobarbital tablets*, and *nembutal capsules*.

**LABEL, WHEN SHIPPED:** "Capsules Phenobarbital Sodium 1½ Grs. (0.1 Gm.)," "Tablets Phenobarbital 1½ GRS. (0.1 Gm.)," and "Capsules Nembutal (Pentobarbital Sodium \* \* \*) 1½ grs."

**ALLEGED VIOLATION:** The products were made and labeled by the manufacturer to be dispensed only by or on the prescription of a physician. On or about June 25 and July 1, 2, 6, and 7, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendant removed portions of the drugs from the bottles in which they had been shipped, repacked them in cartons and envelopes, and sold them to various persons without a prescription, which acts of the defendant resulted in the drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (d), the articles were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been found by the Administrator of the Federal Security Agency after investigation to be, and by regulations designated as, habit forming;

\*See also No. 2651.

and the labels of the repackaged drugs failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the cartons and envelopes into which the drugs had been repacked bore no labeling containing directions for use; and, Section 502 (f) (2), the carton and envelopes containing the drugs bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health and against unsafe dosage and duration of administration.

**DISPOSITION:** A plea of not guilty having been entered, the case came on for trial before the court on March 9, 1949. At the conclusion of the testimony, the court found the defendant guilty, and on March 23, 1949, imposed a fine of \$175, plus costs.

**2653. Misbranding of Sanagan Agermo disinfectant. U. S. v. 4 Cans \* \* \*.**  
(F. D. C. No. 25852. Sample No. 10582-K.)

**LABEL FILED:** October 15, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** From Laboratories Agermo, Barcelona, Spain, arriving in New York, N. Y., on or about August 10, 1947.

**PRODUCT:** 4 cans, each containing 1 gallon, of *Sanagan Agermo disinfectant* at New York, N. Y. The invoice stated that the product contained copper sulfate, zinc sulfate, calcium sulfate, formol, sodium chloride, gentian extract, sodium salicylate, and water. The Alcon Export Corp., which was in possession of the product at New York, mailed to prospective purchasers a leaflet in which the product was offered to prevent and check epidemics, especially hoof-and-mouth disease. It was also offered as a safeguard and treatment of cattle against any type of contagious disease.

**NATURE OF CHARGE:** 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, to prevent and check epidemics, especially hoof-and-mouth disease, and as a safeguard and treatment of cattle against any type of contagious disease.

**DISPOSITION:** January 19, 1949. Default decree of condemnation and destruction.

## **DRUGS ACTIONABLE BECAUSE OF THE PRESENCE OF NONCERTIFIED COAL-TAR COLORS**

**2654. Adulteration and misbranding of Premo Vasodrine Solution of Epinephrine Hydrochloride and adulteration of Premo-Rub Liniment and Premo Elixir Preminal. U. S. v. Premo Pharmaceutical Laboratories, Inc., and Theodore A. Blackman. Pleas of not guilty. Tried to the court. Verdict of guilty against corporation on all 6 counts of information; verdict of guilty against individual on 5 counts of information; and verdict of not guilty against individual on count 6 relating to Premo Elixir Preminal. (F. D. C. No. 16594. Sample Nos. 78198-F, 120-H, 121-H, 22314-H.)**

**INFORMATION FILED:** October 21, 1947, Southern District of New York, against the Premo Pharmaceutical Laboratories, Inc., New York, N. Y., and Theodore A. Blackman, president and treasurer of the corporation.