

ALLEGED VIOLATION: On or about June 14 and 16, 1949, while a number of the above-mentioned tablets and capsules were being held for sale at Stone's Pharmacy after shipment in interstate commerce, various quantities of the tablets and capsules were repacked and sold without a prescription, which acts resulted in the repackaged tablets and capsules being misbranded.

Stone's Pharmacy was charged with causing the acts of repacking and sale of the drugs involved in each of the two counts of the information; and, in addition, Joseph H. Stone, in one of the counts, and Leon Stone, in the other count, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged *sulfadiazine tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged *sulfadiazine tablets* and *apiol and ergotin compound capsules* failed to bear labels containing statements of the quantity of the contents; and, Section 502 (e) (1), the repackaged *sulfadiazine tablets* failed to bear a label containing the common or usual name of the drug.

Further misbranding, Section 502 (e) (2), the repackaged *apiol and ergotin compound capsules* failed to bear a label containing the common or usual name of each active ingredient since each capsule contained, in addition to *apiol* and *ergotin*, the active ingredient, *aloin*; and the label of the repackaged capsules failed to bear the common or usual name of the active ingredient, *aloin*.

Further misbranding, Section 502 (f) (1), the repackaged tablets and capsules bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 27, 1950. Pleas of *nolo contendere* having been entered, the court imposed a fine of \$200 against the pharmacy and \$100 against each individual, plus costs, and placed the pharmacy on probation for a period of 2 years and each individual for a period of 1 year.

3169. Misbranding of *apiol* and *ergot* compound capsules. U. S. v. Davis Drug Co. and Wilford S. Nelson. Pleas of *nolo contendere*. Each defendant fined \$100, plus costs, and placed on probation for 1 year. (F. D. C. No. 28134. Sample No. 55457-K.)

INFORMATION FILED: April 25, 1950, District of Nebraska, against the Davis Drug Co., a partnership, North Platte, Nebr., and Wilford S. Nelson, a pharmacist for the partnership.

INTERSTATE SHIPMENT: On or about January 25, 1949, from the State of Indiana into the State of Nebraska.

ALLEGED VIOLATION: On or about June 16, 1949, while the capsules were being held for sale after shipment in interstate commerce, the defendants caused a number of the capsules to be removed from the bottle in which they had been shipped and to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged capsules failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients; the label of the repackaged capsules failed to bear the common and usual name of each active ingredient since the capsules contained, in addition to apiol and ergot, the active ingredients, oil of tansy and aloin; and the label of the repackaged capsules failed to bear the common and usual names of the last-named active ingredients.

Further misbranding, Section 502 (f) (1), the repackaged capsules bore no labeling containing directions for use.

DISPOSITION: June 27, 1950. Pleas of nolo contendere having been entered, each defendant was fined \$100, plus costs, and placed on probation for 1 year.

3170. Misbranding of Menestrex capsules. U. S. v. William Rex Manning (Rex Laboratories). Plea of guilty on counts 1, 2, 4, and 5; plea of not guilty on count 3. Count 3 tried to the court; verdict of not guilty. Fine of \$1.00 on each of counts 1, 2, 4, and 5. (F. D. C. No. 26719. Sample Nos. 260-K, 999-K, 27312-K, 44012-K.)

INFORMATION FILED: June 30, 1949, Middle District of Tennessee, against William Rex Manning, trading as the Rex Laboratories, Nashville, Tenn.

ALLEGED SHIPMENT: On or about August 28, 1947, and February 13, March 16, and September 8, 1948, from the State of Tennessee into the State of Georgia.

PRODUCT: Examination disclosed that the product contained a mixture of quinine sulfate and potassium permanganate.

LABEL, IN PART: (All bottle labels) "Menestrex Contains: Potassium Permanganate Quinine Sulphate"; (bottle label of lot covered by count 3) "For easing distress in scanty or functionally difficult menstruation."

NATURE OF CHARGE: Count 3. Misbranding, Section 502 (a), the label statement "Menestrex * * * For easing distress in scanty or functionally difficult menstruation" was false and misleading since the statement represented and suggested that the article would be efficacious to ease distress in scanty or functionally difficult menstruation, whereas the article would not be efficacious for such purpose.

Counts 1, 2, 4, and 5. Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the labeling failed to reveal the conditions for which the article was intended.

DISPOSITION: May 31, 1950. A plea of guilty was entered to counts 1, 2, 4, and 5, and a plea of not guilty to count 3. Trial was held before the court with respect to the charge involved in count 3, and, at its conclusion, a verdict of not guilty was rendered on count 3. The court imposed a fine of \$1.00 on each of counts 1, 2, 4, and 5, a total fine of \$4.00.

3171. Misbranding of estrogenic hormone substance. U. S. v. 20 Vials * * *
(F. D. C. No. 28964. Sample No. 55892-K.)

LIBEL FILED: On or about April 19, 1950, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 19, 1950, by the Robert Brinton Morris Laboratories, from Pitman, N. J.

PRODUCT: 20 vials, each containing 30 cc., of *estrogenic hormone substance* at Kansas City, Mo.

LABEL, IN PART: "Estrogenic Hormone Substance (As Estradiol In Sesame Oil)".