

**3244. Misbranding of Seconal Sodium capsules. U. S. v. Minter A. Dunn (Glade Spring Pharmacy). Plea of guilty. Defendant fined \$1,000 and placed on probation for one year. (F. D. C. No. 29115. Sample Nos. 2339-K to 2343-K, incl., 2345-K.)**

**INFORMATION FILED:** June 7, 1950, Western District of Virginia, against Minter A. Dunn, trading as the Glade Spring Pharmacy, Glade Spring, Va.

**INTERSTATE SHIPMENT:** Between the approximate dates of May 3 and July 6, 1949, from the State of Indiana into the State of Virginia, of a quantity of *Seconal Sodium capsules*.

**ALLEGED VIOLATION:** On or about August 6, 9, 12, 18, 20, and 22, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of *Seconal Sodium capsules* to be repacked and sold without a prescription, which acts of the defendant resulted in the capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged *Seconal Sodium capsules*, with the exception of those involved in one sale, failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and when repackaged, the label failed to bear the name, and quantity or proportion of such derivative and the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged capsules failed to bear directions for use.

**DISPOSITION:** October 2, 1950. A plea of guilty having been entered, the court imposed a fine of \$1,000 and placed the defendant on probation for one year.

**3245. Misbranding of Seconal Sodium capsules. U. S. v. Johnson's Drug Store, Inc., and George W. Johnson. Plea of guilty. Fine, \$50. (F. D. C. No. 29424. Sample Nos. 3025-K, 3026-K.)**

**INFORMATION FILED:** August 4, 1950, Eastern District of Virginia, against Johnson's Drug Store, Inc., and George W. Johnson, president of the corporation, Richmond, Va.

**INTERSTATE SHIPMENT:** Between the approximate dates of January 18 and September 27, 1949, from the State of Indiana into the State of Virginia, of quantities of *Seconal Sodium capsules*.

**ALLEGED VIOLATION:** On or about October 6 and 12, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of the *Seconal Sodium capsules* to be repacked into bottles and to be sold without a prescription, which acts of the defendants resulted in the capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the label of the repackaged *Seconal Sodium capsules* bore no statements containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), the repackaged capsules bore no label containing a statement of the quantity of the contents.

Further misbranding Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative the Federal Security Administrator,

after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the drug failed to bear a label containing 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 repackaged capsules bore no labeling containing directions for use.

DISPOSITION: September 13, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

**3246. Misbranding of Seconal Sodium capsules. U. S. v. James Street Pharmacy, Inc. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 26700. Sample Nos. 37388-K, 37391-K.)**

INFORMATION FILED: July 8, 1949, Western District of Washington, against James Street Pharmacy, Inc., Seattle, Wash.

INTERSTATE SHIPMENT: Between the approximate dates of March 3 and September 10, 1948, from the State of Indiana into the State of Washington, of a quantity of *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about November 27 and December 8, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of the *Seconal Sodium capsules* to be repacked and sold without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged *Seconal Sodium capsules* bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (1), the label of the repackaged capsules failed to bear the common or usual name of the drug, namely, Seconal.

Further misbranding, Section 502 (d), the drug contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the label 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 directions "One at night if unable to sleep," borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: September 25, 1950. A plea of guilty having been entered, the court imposed a fine of \$500, plus costs.

**3247. Misbranding of Dexedrine Sulfate tablets. U. S. v. Glen P. James (James Drug). Plea of guilty. Fine, \$50. (F. D. C. No. 29470. Sample No. 64297-K.)**

INFORMATION FILED: October 18, 1950, District of South Dakota, against Glen P. James, trading as James Drug, Wagner, S. Dak.

INTERSTATE SHIPMENT: From the State of Pennsylvania into the State of South Dakota, of a quantity of *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about November 12, 1949, while the *Dexedrine Sulfate tablets* were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be repacked and sold without a prescription, which acts resulted in the repackaged tablets being misbranded.