

INFORMATION FILED: September 6, 1950, Eastern District of Wisconsin, against Edwin E. Wiegand, Milwaukee, Wis.

ALLEGED VIOLATION: The defendant, on or about March 17 and 21, 1950, caused the introduction into interstate commerce at Milwaukee, Wis., for delivery to Chicago, Ill., of quantities of *Seconal Sodium capsules* which were misbranded. The defendant also made two over-the-counter sales of *Seconal Sodium capsules*.

The capsules had been shipped in interstate commerce from Indianapolis, Ind., to Milwaukee, Wis., and while held for sale after such shipment, the capsules were repacked by the defendant and sold without a physician's prescription, which acts of the defendant resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the 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 (d), the capsules 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 the capsules 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 capsules bore no labeling containing directions for use.

DISPOSITION: December 11, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$1,000 on count 1, suspended the imposition of sentence on the remaining three counts of the information, and placed the defendant on probation for 1 year.

3285. Misbranding of Nembutal-C tablets, Nembutal Sodium capsules, Benzdrine Sulfate tablets, and Dexedrine Sulfate tablets. U. S. v. Pitman-Wilson Co. and Herman N. Amick. Pleas of nolo contendere. Fines of \$300 against company and \$150 against individual. (F. D. C. No. 29468. Sample Nos. 52537-K, 52950-K, 52956-K, 52957-K, 72281-K, 72378-K.)

INFORMATION FILED: October 10, 1950, Southern District of Indiana, against the Pitman-Wilson Co., a corporation, Rushville, Ind., and Herman N. Amick, secretary-treasurer of the corporation.

INTERSTATE SHIPMENT: From the States of Ohio, Pennsylvania, and Illinois, into the State of Indiana, of quantities of *Nembutal-C tablets*, *Nembutal Sodium capsules*, *Benzdrine Sulfate tablets*, and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about September 13 and December 28, 1949, and January 4 and 5, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (d), the repackaged *Nembutal-C tablets* and *Nembutal Sodium capsules* 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 the labels of the repackaged *Nembutal-C tablets* and *Nembutal Sodium capsules* failed

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

DISPOSITION: November 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$300 against the company and a fine of \$150 against the individual.

3286. Misbranding of Nembutal Sodium capsules. U. S. v. B. T. Smith Co., Inc., Bernard T. Smith, Louis Hergenrather, 3d, and Charles E. Spigelmire. Pleas of guilty. Fine of \$25, plus costs, against each defendant. (F. D. C. No. 29464. Sample Nos. 2390-K to 2392-K, incl., 67210-K, 67214-K.)

INFORMATION FILED: November 15, 1950, District of Maryland, against B. T. Smith Co., Inc., Baltimore, Md., and against Bernard T. Smith, president, Charles E. Spigelmire, vice president, and Louis Hergenrather, 3d, secretary-treasurer, of the corporation.

INTERSTATE SHIPMENT: From the State of Illinois into the State of Maryland, of quantities of *Nembutal Sodium capsules*.

ALLEGED VIOLATION: On or about January 13, 20, and 30, and February 3 and 7, 1950, while the drug was being held for sale after shipment in interstate commerce, the defendants caused quantities of the capsules to be repacked and sold without a physician's prescription, which acts resulted in the capsules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the capsules 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 the labeling of the repacked capsules 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 labeling of the repackaged capsules failed to bear adequate directions for use since the directions for use "One capsule at bedtime," borne on the labeling of the repackaged capsules, were not adequate directions for use.

DISPOSITION: December 8, 1950. Pleas of guilty having been entered, the court imposed a fine of \$25, plus costs, against each of the four defendants.

3287. Misbranding of phenobarbital tablets. U. S. v. Matthias Prescription Pharmacy, Inc., and William C. Matthias. Pleas of guilty. Fine of \$20 against each defendant. (F. D. C. No. 29475. Sample Nos. 58158-K, 58164-K, 58165-K, 58492-K.)

INFORMATION FILED: November 1, 1950, District of Arizona, against Matthias Prescription Pharmacy, Inc., Tucson, Ariz., and William C. Matthias, president of the corporation.

INTERSTATE SHIPMENT: From the State of California into the State of Arizona, of a number of tablets containing 1½ grains and ½ grain of phenobarbital.

ALLEGED VIOLATION: On or about July 21 and August 5, 22, and 23, 1949, while the tablets were being held for sale after shipment in interstate commerce, the defendants caused a number of the tablets to be repacked and sold without a physician's prescription, which acts of the defendants resulted in the tablets being misbranded.