NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no 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 (b) (1), 1 of the 3 lots of the repackaged *Dexedrine Sulfate tablets* and 1 lot of the repackaged *Benzedrine Sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: January 2, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $100 on each of the first 2 counts of the information and suspended the imposition of sentence on the remaining 2 counts.

3323. Misbranding of Dexedrine Sulfate tablets and phenobarbital tablets. U. S. v. Clay Blue and Carl F. Moore. Pleas of nolo contendere. Fine of $100 against each individual on count 1; sentence suspended on remaining 3 counts of information. (F. D. C. No. 30011. Sample Nos. 49769–K to 49771–K, incl., 75177–K.)

INFORMATION FILED: December 13, 1950, District of New Mexico, against Clay Blue and Carl F. Moore, partners in the partnership of College Drug, at Portales, N. Mex.

INTERSTATE SHIPMENT: From the State of Texas into the State of New Mexico, of quantities of *Dexedrine Sulfate tablets* and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about May 1 and 2, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs bore no labels containing the name and place of business of the manufacturer, packer, or distributor, and 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 *phenobarbital tablets* 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 label of the repackaged *phenobarbital tablets* 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 (e) (1), a portion of the repackaged *Dexedrine Sulfate tablets* failed to bear a label containing the common or usual name of the drug.

DISPOSITION: January 2, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of $100 against each individual on the first count of the information and suspended the imposition of sentence on the remaining 3 counts.

3324. Misbranding of Dexedrine Sulfate tablets and Seconal Sodium capsules. U. S. v. Asher Smith (Asher Smith Pharmacy). Plea of nolo contendere. Fine, $200. (F. D. C. No. 29467. Sample Nos. 60222–K, 60223–K.)

INFORMATION FILED: November 3, 1950, Eastern District of Michigan, against Asher Smith, trading as the Asher Smith Pharmacy, Detroit, Mich.

INTERSTATE SHIPMENT: From the States of Pennsylvania and Indiana into the State of Michigan, of quantities of *Dexedrine Sulfate tablets* and *Seconal Sodium capsules.*

ALLEGED VIOLATION: On or about January 20 and 23, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs bore no 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 *Seconal Sodium capsules* contained a 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 label of the repackaged *Seconal 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."

Further misbranding, Section 502 (e) (1), the repackaged *Dexedrine Sulfate tables* bore no label containing the common or usual name of the drug.

DISPOSITION: January 11, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $200.

3325. Misbranding of Tuinal capsules, diethylstilbestrol tablets, and Sulfonamides Triplex tablets. U. S. v. John P. Taylor and Robert L. Taylor. Pleas of nolo contendere. Fine of $400, plus costs, against each individual. (F. D. C. No. 29474. Sample Nos. 76555–K, 77358–K, 77360–K, 77382–K.)

INFORMATION FILED: October 6, 1950, Southern District of Illinois, against John P. Taylor and Robert L. Taylor, partners in the partnership of Taylor's Drug Store, Peoria, Ill.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Illinois, of quantities of *Tuinal capsules, diethylstilbestrol tables,* and *Sulfonamides Triplex tablets.*

ALLEGED VIOLATION: On or about July 7, 12, 17, and 19, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts 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 repackaged drugs failed to bear labeling containing adequate directions for use since the directions "One (1) at bedtime" borne on the labeling of the repackaged *Tuinal capsules* were not adequate directions for use and the labeling of the other repackaged drugs bore no directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *diethylstilbestrol tablets* and the *Sulfonamides Triplex tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the *Tuinal capsules* contained chemical derivatives of barbituric acid, which derivatives, the Federal Security