

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

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use in that the directions "One at bedtime as needed for rest" and "One capsule at bedtime as needed for rest," borne on the labeling of the repackaged drugs, were not adequate directions for use.

DISPOSITION: April 11, 1951. A plea of guilty having been entered, the court imposed a fine of \$800 against the defendant.

**3407. Misbranding of Seconal Sodium capsules and amphetamine hydrochloride tablets. U. S. v. John R. Storms (Belmont Pharmacy). Plea of guilty. Fine of \$500 and sentence of 4 years in jail; prison sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 29439. Sample Nos. 23472-K, 23692-K, 23693-K, 53245-K.)**

INFORMATION FILED: September 28, 1950, Southern District of Texas, against John R. Storms, trading as the Belmont Pharmacy, Houston, Tex.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Texas, of quantities of, *Seconal Sodium capsules* and *amphetamine hydrochloride tablets*.

ALLEGED VIOLATION: On or about January 15 and July 30, 1949, 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 without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged *Seconal Sodium capsules* and a portion of the *amphetamine hydrochloride tablets* failed to bear labels containing statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear directions for use.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged 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 *amphetamine hydrochloride tablets* failed to bear a label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling of the repackaged *amphetamine hydrochloride tablets* failed to bear any warning 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: March 14, 1951. A plea of guilty having been entered, the court imposed a fine of \$500 and a prison sentence of 4 years against the defendant. The prison sentence was suspended, and the defendant was placed on probation for 5 years.

**3408. Misbranding of Benzedrine Sulfate tablets, Combisul-TD tablets, diethylstilbestrol tablets, and Desoxyn Hydrochloride tablets. U. S. v. H. W.**