

3448. Misbranding of pentobarbital sodium capsules. U. S. v. Weaverton L. Fadely (Fadely's Drug Store No. 1) and D. Murray Hayden. Pleas of guilty. Fine of \$500 against Defendant Fadely and \$250 against Defendant Hayden. (F. D. C. No. 30047. Sample Nos. 53787-K, 53857-K.)

**LIBEL FILED:** April 18, 1951, Northern District of Alabama, against Weaverton L. Fadely, trading as Fadely's Drug Store No. 1, Birmingham, Ala., and D. Murray Hayden, pharmacist.

**INTERSTATE SHIPMENT:** From the States of New Jersey and Illinois into the State of Alabama, of quantities of *pentobarbital sodium capsules*.

**ALLEGED VIOLATION:** On or about October 5 and November 1, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drug to be repacked and sold without a prescription, which acts resulted in the repackaged drug being misbranded. Weaverton L. Fadely, as owner of the store was charged in both counts of the information, and D. Murray Hayden was joined as a defendant in count 2 and charged with the sale involved in that count.

**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 (d), the capsules contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the repackaged capsules bore no label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

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

**DISPOSITION:** May 4, 1951. Pleas of guilty having been entered, the court imposed a fine of \$500 against Defendant Fadely and \$250 against Defendant Hayden.

3449. Misbranding of Eden Creme. U. S. v. 1,601 Jars \* \* \*. (F. D. C. No. 29066. Sample No. 58673-K.)

**LIBEL FILED:** April 17, 1950, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 26, 1950, by Captivante Labs., Inc., from New York, N. Y.

**PRODUCT:** 1,601 jars of *Eden Creme* at Venice, Calif. Examination showed that the product was a soft cream containing approximately the declared amount of estrogenic hormones.

**LABEL, IN PART:** "Eden Creme \* \* \* Approximately 30,000 International Units of Estrogens (substantially Estrones with traces of Equilin, Hippulin, Estradiol and Equilin) in this jar. This jar should last during a 30-day consecutive period. Net contents not less than 2 ozs. Distributors House of Eden, 6411 Hollywood Blvd. Hollywood 28, Calif."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since the labeling did not specify any condition for which the article was to be used and did not state the structure or function of the body that the article was intended to affect.