

Cert. den. 338 U. S. 911 (1950); *Alberty Food Products v. United States*, 185 F. 2d 321 (9 Cir. 1950); *United States v. El-O-Pathic Pharmacy*, 192 F. 2d 62, 77 (9 Cir. 1951).

"*Judgment affirmed.*"

3664. Alleged misbranding of Kordel-E capsules, Aminex tablets, Fero-B-Plex tablets, and Garlic Plus tablets. U. S. v. 1 Case, etc. (F. D. C. No. 27269. Sample Nos. 57736-K, 57737-K, 57741-K, 57743-K.)

LIBEL FILED: May 26, 1949, Southern District of California; amended libel filed June 2, 1949.

ALLEGED SHIPMENT: On or about July 30, 1948, to April 7, 1949, from Chicago, Ill.

PRODUCT: 1 case of 36 30-capsule boxes of *Kordel-E capsules*, 1 case of 20 100-tablet boxes of *Aminex tablets*, 1 case of 29 90-tablet boxes of *Fero-B-Plex tablets*, and 96 50-tablet boxes of *Garlic Plus tablets*; at Los Angeles, Calif.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use since it did not state the diseases or conditions of the body for which the articles when used as directed would be effective. The products were alleged to be misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: Lelord Kordel appeared as claimant and filed an answer to the libel. Thereafter, on February 29, 1952, upon stipulation by the parties that the case presented no question for adjudication for the reason that the products under seizure had deteriorated and become unmarketable, and without any finding by the court on any issue of fact or law and with the consent of the parties, judgment was entered ordering that the products be destroyed.

3665. Misbranding of amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. Enos A. Hilterbrand (Live Oak Pharmacy). Plea of guilty. Sentence of 2 years in prison. (F. D. C. No. 31258. Sample Nos. 20962-L, 20963-L.)

INFORMATION FILED: September 17, 1951, Northern District of Texas, against Enos A. Hilterbrand, trading as Live Oak Pharmacy, Dallas, Tex.

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

ALLEGED VIOLATION: On or about May 30, 1951, while the drugs were being held for sale at the Live Oak Pharmacy after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *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 sulfate tablets* and the *Seconal Sodium capsules* failed to bear labels contain-

ing the common or usual name of the drugs; and, Section 502 (f) (1), the repackaged *amphetamine sulfate tablets* and the *Seconal Sodium capsules* failed to bear labeling containing adequate directions for use.

DISPOSITION: November 29, 1951. A plea of guilty having been entered, the court sentenced the defendant to 2 years in prison.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3666. Adulteration of peppermint leaves, spearmint leaves, and lobelia leaves. U. S. v. Arthur P. Slaughter (Smoky Mountain Drug Co.). Plea of *nolo contendere*. Fine, \$250. (F. D. C. No. 31087. Sample Nos. 24131-L, 24132-L, 24134-L.)

INFORMATION FILED: June 1, 1951, Eastern District of Tennessee, against Arthur P. Slaughter, trading as the Smoky Mountain Drug Co., Bristol, Tenn.

ALLEGED SHIPMENT: On or about October 18 and November 20, 1950, from the State of Tennessee into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the products consisted in part of filthy substances by reason of the presence of rodent excreta, rodent hairs, and insect fragments, in the *peppermint leaves*; rodent excreta, in the *spearmint leaves*; and insects and rodent excreta, in the *lobelia leaves*.

Further adulteration, Section 501 (a) (2), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

The information charged also the interstate shipment of an adulterated food, as reported in notices of judgment on foods.

DISPOSITION: September 17, 1951. A plea of *nolo contendere* having been entered, the court fined the defendant \$250 on the counts based on the shipment of adulterated drugs. (A fine of \$250 was imposed also on the counts charging the other violations.)

3667. Adulteration of chamomile flowers. U. S. v. 10,936 Pounds * * * (F. D. C. No. 32020. Sample No. 4859-L.)

LIBEL FILED: November 13, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 23, 1951, from Jersey City, N. J.

PRODUCT: 10,936 pounds (14 bales) of *chamomile flowers* at Lynn, Mass.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 26, 1951. The Lydia E. Pinkham Medicine Co., Lynn, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. Reconditioning consisted of fumigation with methyl bromide, sifting, and blowing.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3668. Adulteration and misbranding of sodium chloride solution, procaine hydrochloride solution, and Darrow's solution. U. S. v. Continental Pharma-