DISPOSITION: June 5, 1952. Pleas of nolo contendere having been entered, the court imposed a fine of $150 against each of the defendants and placed them on probation for 1 year.

3744. Misbranding of Seconal Sodium capsules. U. S. v. Calvin H. Garner. Plea of guilty. Fine, $250. (F. D. C. No. 31282. Sample Nos. 13198–L, 13199–L.)

INFORMATION FILED: December 5, 1951, Northern District of Texas, against Calvin H. Garner, a pharmacist, employed at the Earl Burns Drugs store, Sweetwater, Tex.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Texas, of quantities of *Seconal Sodium capsules.*

ALLEGED VIOLATION: On or about April 27 and May 2, 1951, while the drug was being held for sale after shipment in interstate commerce, the defendant caused quantities of the drug to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drug being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of a portion of the repackaged drug was false and misleading since it represented and suggested that the repackaged drug was "Dilantin Sodium," manufactured by Parke, Davis & Co., whereas the drug was *Seconal Sodium,* manufactured by Eli Lilly & Co.; and the labeling of the remainder of the repackaged drug was false and misleading since it represented and suggested that the drug was "High Blend B Complex With Liver and Vitamin C," whereas the drug was *Seconal Sodium.*

Further misbranding, Section 502 (b) (1), the repackaged drug failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged drug contained *Seconal Sodium,* 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 drug 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 drug failed to bear adequate directions for use.

DISPOSITION: May 2, 1952. A plea of guilty having been entered, the court imposed a fine of $250.