

failed to bear adequate directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* and *dextro-amphetamine sulfate tablets* failed to bear labeling containing adequate warnings 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:** On March 23, 1951, a motion to quash the information was filed on behalf of the defendant on the grounds that the information was duplicitous, and, in addition, a motion was filed by the defendant for a bill of particulars. On September 27, 1951, the court overruled the motions of the defendant. On January 23, 1952, the defendant entered a plea of *nolo contendere*, and the court imposed a fine of \$300.

✓ 3827 **Misbranding of Seconal Sodium capsules. U. S. v. Earl O. Meyer Drugs and Earl O. Meyer. Pleas of guilty. Fine of \$1,000 against each defendant; individual defendant also placed on probation for 4 years. (F. D. C. No. 32711. Sample No. 12943-L.)**

**INFORMATION FILED:** April 17, 1952, District of Colorado, against the Earl O. Meyer Drugs, a partnership, Denver, Colo., and Earl O. Meyer, a partner in the partnership.

**ALLEGED VIOLATION:** On or about August 3, 1951, while a number of *Seconal Sodium capsules* were being held for sale at the Earl O. Meyer Drugs after shipment in interstate commerce, the defendants caused a quantity of the capsules to be repacked and dispensed without a physician's prescription, which acts resulted in the capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Sections 502 (b) (1) and (2), the repackaged capsules failed to bear a label 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 repackaged 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 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 (f) (1), the repackaged capsules failed to bear labeling containing adequate directions for use.

**DISPOSITION:** October 8, 1952. Pleas of guilty having been entered, the court imposed a fine of \$1,000 against each of the defendants, and, in addition, placed the individual defendant on probation for a period of 4 years.

✓ 3828 **Misbranding of Seconal Sodium capsules. U. S. v. Azriel Stein. Plea of guilty. Fine of \$1,000 and probation for 5 years. (F. D. C. No. 31293. Sample No. 13165-L.)**

**INFORMATION FILED:** December 5, 1951, District of Colorado, against Azriel Stein, Denver, Colo.

**INTERSTATE SHIPMENT:** Prior to April 16, 1951, from the State of Indiana into the State of Colorado, of a quantity of *Seconal Sodium capsules*.

**ALLEGED VIOLATION:** On or about April 16, 1951, while the capsules were being held for sale at the Pencil Drug Store, Denver, Colo., after shipment in interstate commerce, the defendant, a pharmacist and manager of the drug store, caused a number of the capsules to be repacked and sold without a physician's prescription, which acts resulted in the repackaged capsules being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged capsules failed to bear a label containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the article 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."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

**DISPOSITION:** October 8, 1952. A plea of guilty having been entered, the court imposed a fine of \$1,000 against the defendant and placed him on probation for a period of 5 years.

**3829. Misbranding of Beatsol Rectifiers, Beatsol Drawing Salve, and Beatsol Earache Liquid. U. S. v. Carl J. Greenblatt (G & W Laboratories). Plea of nolo contendere to counts 1, 2, and 3, and plea of guilty to counts 4, 5, and 6. Fine, \$900. (F. D. C. No. 30618. Sample Nos. 73363-K, 73364-K, 73367-K, 73379-K, 73382-K, 73638-K.)**

**INDICTMENT RETURNED:** April 22, 1952, District of New Jersey, against Carl J. Greenblatt, trading as G & W Laboratories, Jersey City, N. J.

**ALLEGED SHIPMENT:** Between the approximate dates of January 1 and June 9, 1950, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** "Formula—Phosphorus Ext. Nux Vomica  $\frac{1}{4}$  gr. (Strychnine  $\frac{1}{55}$  gr.) Ext. Damiana \* \* \* 24 Tablets Beatsol Rectifiers For Both Sexes," "Beatsol Drawing Salve \* \* \* Formula—Rosin Ichthammol Petrolatum White Wax," and "Beatsol Earache Outfit \* \* \* Ether 45 Min. Alcohol 20 Min. Oil of Camphor \* \* \* Complete Outfit Consists of Cotton Rolls and Beatsol Earache Liquid."

**NATURE OF CHARGE:** *Beatsol Rectifiers.* Misbranding, Section 502 (a), the label statements "Rectifiers For Both Sexes \* \* \* Lost vitality Impotence Exhausted Nervous Weakness" were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of lost vitality, impotence, exhaustion, nervousness, and weakness, whereas the article would not be efficacious in the treatment of such conditions. Further misbranding, Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in that the article contained strychnine; and its labeling failed to warn that no more than the recommended dosage should be taken and that the use by elderly persons of a drug containing strychnine may be dangerous.

*Beatsol Drawing Salve.* Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of boils, carbuncles, ulcers, felons, and similar conditions implied by the abbreviation "etc.," whereas the article would not be efficacious in the treatment of such conditions.

*Beatsol Earache Liquid.* Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading. The statements repre-