

Defendants Quigley and Kemper were charged with causing the repacking and disposal of the *pentobarbital sodium capsules*, and Defendants Quigley and Coll were charged with causing the repacking and disposal of the *sulfathiazole tablets*.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* 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 *pentobarbital 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 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 *sulfathiazole tablets* failed to bear a label containing the common or usual name of the drug; and Section 502 (f) (2), the repackaged *sulfathiazole tablets* failed to bear 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:** Motions for a bill of particulars and for dismissal of the information were filed on behalf of the defendants and subsequently were overruled by the court. Thereafter, the defendants entered pleas of *nolo contendere*, and on October 30, 1952, the court imposed a fine of \$1,000, plus costs, against Defendant Quigley, a fine of \$500 against Defendant Coll, and a fine of \$500 against Defendant Kemper.

**3852. Misbranding of Combisul tablets, Pentresamide tablets, and Seconal Sodium capsules. U. S. v. Riverhead Drug Co., Inc., and Edward A. Schwartz. Pleas of guilty. Fine of \$250 against corporation and \$750 against Defendant Schwartz. Individual defendant placed on probation for 1 year. (F. D. C. No. 31302. Sample Nos. 91993-K, 24571-L to 24573-L, incl., 24576-L.)**

**INFORMATION FILED:** September 10, 1952, Eastern District of New York, against Riverhead Drug Co., Inc., Riverhead, L. I., N. Y., and Edward A. Schwartz, president and treasurer of the corporation.

**ALLEGED VIOLATION:** On or about November 14, 1950, and January 16, 21, and 26, 1951, while a number of *Combisul tablets*, *Pentresamide tablets*, and *Seconal Sodium capsules* were being held for sale at the Riverhead Drug Co., Inc., after shipment in interstate commerce, Riverhead Drug Co., Inc., and Edward A. Schwartz caused various quantities of the drugs to be repacked and dispensed without a physician's 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; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate 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 designated by regulations as, habit forming; and the capsules failed to bear a 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 (e) (2), the repackaged *Combisul tablets* and *Pentresamide tablets* failed to bear labels containing the common or usual name of each active ingredient of the tablets; and, Section 502 (f) (2), the repackaged *Combisul tablets* and *Pentresamide 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 duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: December 12, 1952. Pleas of guilty having been entered, the court imposed a fine of \$250 against the corporation and \$750 against Defendant Schwartz and placed the individual on probation for 1 year.

**3853. Misbranding of Seconal Sodium capsules, thyroid tablets, and methyltestosterone tablets. U. S. v. Manuel M. Lazear (Northside Drug). Plea of nolo contendere. Defendant fined \$200, plus costs, and placed on probation for 3 years. (F. D. C. No. 31304. Sample Nos. 6883-L, 6891-L, 6893-L, 6895-L, 7101-L, 7114-L, 7115-L, 7122-L.)**

INFORMATION FILED: March 25, 1952, Western District of Pennsylvania, against Manuel M. Lazear, trading as Northside Drug, Pittsburgh, Pa.

ALLEGED VIOLATION: On or about March 6, 15, and 27, and April 6, 9, and 11, 1951, while a number of *Seconal Sodium capsules*, *thyroid tablets*, and *methyltestosterone tablets* were being held for sale at Northside Drug after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and sold without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate 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 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 label of the repackaged *thyroid tablets* failed to bear the common or usual name of the tablets.

DISPOSITION: January 14, 1953. A plea of nolo contendere having been entered, the court imposed a fine of \$50 on each of counts 1, 2, 3, and 4 of the information, or a total fine of \$200, suspended the imposition of sentence on the remaining 4 counts and placed the defendant on probation for 3 years.