

Gordon A. Wolf was charged as a defendant in each of the 8 counts of the information, and Otto O. Hansen was joined as a defendant in 6 counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and, Section 502 (b) (1), a portion of the repackaged *sulfadiazine tablets* 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* and *Seconal Sodium capsules* contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of each derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *sulfadiazine tablets* failed to bear a label containing the common or usual name of the tablets; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine 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, in such manner and form, as are necessary for the protection of users.

DISPOSITION: On January 26, 1953, Defendant Wolf having entered a plea of guilty, the court fined him \$100. On March 12, 1953, following a plea of guilty by Defendant Hansen, the court fined him \$50.

3924. Misbranding of Seconal Sodium capsules and capsules of Seconal Sodium and Amytal Sodium. U. S. v. Snyder's Drug Stores, Inc., and Anthony J. Klenert. Plea of nolo contendere for corporation and plea of guilty for individual. Corporation fined \$250 and individual fined \$50. (F. D. C. No. 32704. Sample Nos. 19329-L, 35151-L, 35152-L, 35212-L.)

INFORMATION FILED: May 16, 1952, District of Minnesota, against Snyder's Drug Stores, Inc., Minneapolis, Minn. and Anthony J. Klenert, a pharmacist for the corporation.

ALLEGED VIOLATION: On or about May 31 and August 1 and 3, 1951, while a number of *Seconal Sodium capsules* and *capsules of Seconal Sodium and Amytal Sodium* were being held for sale at Snyder's Drug Stores, Inc., various quantities of such drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

The corporation was named as a defendant in all four counts of the information, and the individual was joined as a defendant in three counts and charged with the violation involved in those counts.

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.

Further misbranding, Section 502 (d), the repackaged drugs contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and the labels of such drugs failed to bear the name, and quantity or proportion of each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use; and Section 502 (e) (2), the label of the *capsules of Seconal Sodium and Amytal Sodium* failed to bear the common or usual name of each active ingredient of the capsules.

DISPOSITION: January 13, 1953. A plea of nolo contendere having been entered by the corporation and a plea of guilty by the individual defendant, the court imposed a fine of \$250 against the corporation and a fine of \$50 against the individual.

3925. Misbranding of amphetamine sulfate tablets and capsules of Seconal Sodium and Amytal Sodium. U. S. v. Frank A. Harlan (Harlan Drugs). Plea of nolo contendere. Fine of \$750, plus costs. (F. D. C. No. 32725. Sample Nos. 18807-L, 18812-L, 18818-L, 18825-L, 18826-L.)

INFORMATION FILED: September 16, 1952, Southern District of Iowa, against Frank A. Harlan, trading as Harlan Drugs, Des Moines, Iowa.

ALLEGED VIOLATION: On or about October 24 and November 2 and 13, 1951, while a number of *amphetamine sulfate tablets* and *capsules of Seconal Sodium and Amytal Sodium* were being held for sale at Harlan Drugs, after shipment in interstate commerce, the defendant caused various quantities of such drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the repackaged drugs, with the exception of a portion of the *capsules of Seconal Sodium and Amytal Sodium*, failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), all of the repackaged drugs failed to bear labeling bearing adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *capsules of Seconal Sodium and Amytal Sodium* contained chemical derivatives of barbituric acid, which derivatives have 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 each such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (2), the repackaged *amphetamine sulfate tablets* failed to bear a label containing the common or usual name of each active ingredient of the drug.

DISPOSITION: January 23, 1953. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$750, plus costs.

3926. Misbranding of methyltestosterone tablets, phenobarbital tablets, dextro-amphetamine sulfate tablets, and Seconal Sodium capsules. U. S. v. Roy T. Walker (Walker Drug Store). Plea of nolo contendere. Fine of \$500. (F. D. C. No. 33707. Sample Nos. 15432-L, 15434-L, 15436-L, 15438-L, 15442-L.)

INFORMATION FILED: November 7, 1952, Northern District of Oklahoma, against Roy T. Walker, trading as the Walker Drug Store, Miami, Okla.

ALLEGED VIOLATION: On or about October 8, and 27, 1951, while a number of *methyltestosterone tablets*, *phenobarbital tablets*, *dextro-amphetamine sulfate tablets*, and *Seconal Sodium capsules* were being held for sale at the Walker