

4005. Misbranding of pentobarbital sodium capsules and amphetamine sulfate tablets. U. S. v. Henry C. Haeberle (Haeberle's Pioneer Drug Store). Plea of guilty. Fine of \$70, plus costs. (F. D. C. No. 33754. Sample Nos. 43992-L, 43998-L.)

INFORMATION FILED: January 30, 1953, District of Nebraska, against Henry C. Haeberle, trading as Haeberle's Pioneer Drug Store, Broken Bow, Nebr.

ALLEGED VIOLATION: On or about March 31, and April 8, 1952, while a number of *pentobarbital sodium capsules* and *amphetamine sulfate tablets* were being held for sale at Haeberle's Pioneer Drug Store, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a 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 *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) (2), the repackaged *amphetamine sulfate tablets* failed to bear the common or usual name of each active ingredient of the tablets.

DISPOSITION: April 3, 1953. The defendant having entered a plea of guilty, the court fined him \$70, plus costs.

4006. Misbranding of pentobarbital sodium capsules and dextro-amphetamine sulfate tablets. U. S. v. Eugene Fred Scott (Scott's Decatur Pharmacy). Plea of nolo contendere. Defendant fined \$350 and place on probation for 2 years. (F. D. C. No. 34309. Sample Nos. 1747-L, 1755-L, 1757-L, 1760-L, 2003-L, 2008-L.)

INFORMATION FILED: April 17, 1953, Northern District of Georgia, against Eugene Fred Scott, trading as Scott's Decatur Pharmacy, Decatur, Ga.

ALLEGED VIOLATION: On or about December 13 and 24, 1951, and January 7, 8, and 14, 1952, while a number of *pentobarbital sodium capsules* and *dextro-amphetamine sulfate tablets* were being held for sale at Scott's Decatur Pharmacy, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repacked and dispensed without a 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 (b) (1), a portion of the repackaged *dextro-amphetamine sulfate 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* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and