

4748. (F. D. C. No. 34362. S. No. 878 L.)

INFORMATION FILED: 3-24-53, S. Dist. Fla., against Henry Gilman and Rudolph R. Scher, partners in the partnership of Park Pharmacy, Miami, Fla., and Meyer Colten, a pharmacist.

CHARGE: On 11-7-51, while held for sale, *Seconal Sodium capsules* were dispensed once without a prescription. Such act of dispensing resulted in the drug being misbranded as follows: 502 (b) (2)—the drug failed to bear a label containing an accurate statement of the quantity of contents; 502 (d)—the drug contained a chemical derivative of barbituric acid, and the label of the drug failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; and 502 (f) (1)—the labeling of the drug failed to bear adequate directions for use.

DISPOSITION: The defendants filed a motion to dismiss the information, and on 4-17-53, the motion was denied. Thereafter, the defendants entered pleas of nolo contendere, and on 1-6-56, Gilman and Scher were each fined \$100 and Colten \$50.

4749. (F. D. C. No. 33764. S. Nos. 1-940 L, 1-954 L, 1-961 L.)

INFORMATION FILED: 4-29-53, S. Dist. Fla., against Warfield Thirty-Sixth St. Corp., t/a Warfield Drug Co., Miami, Fla., James J. Weinberger, president of the corporation, and Louis Finkelstein and Ralph Swisko, pharmacists.

CHARGE: Between 12-3-51 and 1-28-52, while held for sale, *pentobarbital sodium capsules* were dispensed 3 times without a prescription. Such dispensing resulted in the drug being misbranded as follows: 502 (b) (2)—the drug failed to bear a label containing an accurate statement of the quantity of contents; 502 (d)—the drug contained a chemical derivative of barbituric acid, and the label of the drug failed to bear the name and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; and 502 (f) (1)—the labeling of the drug failed to bear adequate directions for use.

DISPOSITION: The defendants filed a motion for dismissal of the information, and on 6-29-54, this motion was denied. The defendants then entered pleas of nolo contendere, and on 1-28-56, the court fined each defendant \$100.

4750. Herb mix. (F. D. C. No. 37539. S. No. 16-094 M.)

QUANTITY: 4 340-lb. drums, 48 4-oz. bags, and 12 sample bags, each containing about 2 tablespoonsful, at Tacoma, Wash., in possession of Saunders' Health Service.

SHIPPED: 11-12-54, from New York, N. Y.

LABEL IN PART: (Bag) "Mixed Herbs No. One Contains: Yam, Culvers, Althea, Mandrake with Cascara."

ACCOMPANYING LABELING: A letter dated "July 23, 1954" and signed "Nina M. Moon" reading in part "Mixed Herbs #1 * * * saved me from an operation for gall-stones. Everyone who buys gets the same results as a liver cleanser." The letter was on display in front of the retail counter on the premises of Saunders' Health Service.

RESULTS OF INVESTIGATION: The article was shipped from New York, N. Y., in bulk drums and, after its receipt at Tacoma, Wash., by the consignee, a portion of the article was repacked into the bags described above.

LIBELED: 12-21-54, W. Dist. Wash.