

## VIOLATIVE SALES OF PRESCRIPTION DRUGS

5241. (F. D. C. No. 38147. S. Nos. 4-938/40 M, 5-023/4 M, 5-085 M.)

INDICTMENT RETURNED: 11-16-55, N. Dist. Ind., against Max Capestany, Jr., t/a Central Pharmacy, Gary, Ind.

CHARGE: Between 1-10-55 and 3-17-55, *Pentids tablets* (penicillin G potassium) and *Citramine Racemic tablets* (amphetamine sulfate) were each dispensed twice, and *Vaginola capsules* (containing ergot and apiol) and *Savatan capsules* (containing apiol) were each dispensed once, without a prescription.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court on 2-20-57, and was terminated with the return by the jury of a verdict of guilty. On 3-22-57, the court imposed a fine of \$500 on each count, a total fine of \$3,000, plus costs, and a sentence of 3 years in jail on count 1. The court suspended the jail sentence, withheld the imposition of sentence on the remaining 5 counts of the indictment, and placed the defendant on probation for 5 years.

5242. Supplement to notice of judgment on drugs and devices, No. 4965. Violation of probation. (F. D. C. No. 38575. S. Nos. 40-858 M, 56-606 M, 56-610 M, 56-613 M.)

On 2-8-56, upon a plea of guilty to the charge of dispensing *Dexedrine Sulfate tablets* 3 times without a prescription, the defendant, John L. Schulte, t/a Schulte Drug Store, Sioux City, Iowa, was given a sentence of 6 months in prison, which was suspended, and placed on probation for 30 months.

On 2-1-57, the defendant was brought before the court on a charge of violating his probation by dispensing *Dexedrine Sulfate tablets* 3 times upon requests for prescription refills without authorization by the prescriber and *Dexedrine Spansule capsules* once without a prescription. The defendant pleaded not guilty; and after a hearing in the matter, the court, on 2-1-57, continued the defendant's probation for an additional period of 30 months on condition that the defendant completely disassociate himself from the drugstore business owned and operated by him, and that the defendant shall not dispense any drugs or engage in any employment or activity with respect to the dispensing of drugs.

5243. Supplement to notice of judgment on drugs and devices, No. 4973. Violation of probation. (F. D. C. No. 38523. S. Nos. 34-190/2 M, 34-195/6 M.)

On 3-21-56, upon a plea of *nolo contendere* to the charge of dispensing *Seconal Sodium capsules* 5 times upon requests for prescription refills without authorization by the prescriber, the defendant, Stanley M. Meyers, t/a Meyers Professional Pharmacy, Topeka, Kans., was fined \$500 and placed on probation for 2 years.

On 3-20-57, the defendant was brought before the court on a charge of violating his probation by dispensing, between 10-5-56 and 10-23-56, *Dexedrine Sulfate tablets* 3 times and *Nembutal Sodium capsules* twice upon requests for prescription refills without authorization by the prescriber. Arrangements were made for further hearing in the matter; and, pursuant thereto, the defendant appeared before the court on 4-22-57. At the conclusion of the hearing on 4-22-57, the court continued the defendant's probation and ordered that the defendant make monthly reports to the probation officer.

5244. (F. D. C. No. 39401. S. Nos. 39-974/5 M, 56-003 M.)

INFORMATION FILED: 4-2-57, N. Dist. Ill., against Schlachet Drug Co., Inc., Chicago, Ill., and Seymour Eisen (president and pharmacist).

**CHARGE:** Between 3-2-56 and 5-24-56, *Seconal Sodium capsules* were dispensed once and *Butazolidin tablets* were dispensed twice, upon request for a prescription refill without authorization by the prescriber.

**PLEA:** Nolo contendere.

**DISPOSITION:** 5-6-57. Corporation—\$150 fine, plus costs; Eisen—\$300 fine.

5245. F. D. C. No. 38525. S. Nos. 10-851 M, 10-854 M, 11-285/7 M, 11-296 M, 11-298 M.)

**INFORMATION FILED:** 5-18-56, E. Dist. La., against Smith's Drug Store (a partnership), New Orleans, La., and Isidore Smith (partner) and Clement E. Cline (pharmacist).

**CHARGE:** Between 7-6-55 and 7-24-55, *paraldehyde* (counts 1, 2, 4, and 7) was dispensed 4 times, *Tri-Sulfanyl tablets* (counts 3 and 5) were dispensed twice, and *pentobarbital sodium capsules* (count 6) were dispensed once, upon request for prescription refills without authorization by the prescriber.

**PLEA:** Guilty—by partnership to all 7 counts of information; by Isidore Smith to count 7; and by Clement E. Cline to counts 1, 4, and 6.

**DISPOSITION:** 9-19-56. \$100 fine against each defendant.

5246. (F. D. C. No. 39399. S. Nos. 56-261 M, 56-264 M, 56-266/9 M.)

**INFORMATION FILED:** 3-19-57, N. Dist. Ill., against Ben Vold, Inc., Chicago, Ill., and Seymour G. DeKoven (president and assistant pharmacist).

**CHARGE:** Between 5-7-56 and 6-11-56, *dextro-amphetamine sulfate tablets* and *pentobarbital sodium capsules* were each dispensed twice and *sulfadiazine tablets* and *Metandren Linguets* were each dispensed once, without a prescription.

**PLEA:** Guilty.

**DISPOSITION:** 4-8-57. \$600 fine against each defendant, plus costs.

5247. (F. D. C. No. 39962. S. Nos. 47-038 M, 47-040 M, 47-065/6 M.)

**INFORMATION FILED:** 2-26-57, Dist. N. J., against Arnold F. Bowker, t/a Bowker's Pharmacy, Milford, N. J., and John V. Dougherty (pharmacist).

**CHARGE:** Between 9-29-56 and 10-30-56, *capsules containing a mixture of ergot, apiol, and oil of savin* (counts 1 and 4), and *Tuinal capsules* (counts 2 and 3), were each dispensed twice without a prescription.

**PLEA:** Guilty—by Bowker to count 1 and by Dougherty to counts 2, 3, and 4.

**DISPOSITION:** 4-1-57, Dougherty—fined \$150 and placed on probation for 1 year; 4-15-57, Bowker—fined \$250 and placed on probation for 6 months.

5248. (F. D. C. No. 39966. S. Nos. 52-212/3 M, 52-215 M, 52-326 M, 52-336 M.)

**INFORMATION FILED:** 3-21-57, E. Dist. N. Y., against Norman Janks, t/a Franklin Pharmacy, Garden City, N. Y., and Maynard Horin (pharmacist).

**CHARGE:** Between 4-20-56 and 5-23-56, *AM Plus capsules* were dispensed once without a prescription and *Metandren tablets* were dispensed once and *Seconal Sodium capsules* were dispensed 3 times upon request for a prescription refill without authorization by the prescriber.

**PLEA:** Guilty—by Janks to dispensing the *AM Plus capsules* and the *Metandren tablets* and to dispensing the *Seconal Sodium capsules* twice, and by Horin to dispensing the *Metandren tablets* and to dispensing the *Seconal Sodium capsules* once.

**DISPOSITION:** 5-2-57. Janks—\$800 fine; Horin—\$200 fine.