

DISPOSITION: 11-21-61. Default—destruction.

DRUGS IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS*

6911. Amphetamine sulfate tablets. (F.D.C. No. 45558. S. Nos. 23-991 R, 24-251 R.)

INFORMATION FILED: 3-23-61, Dist. Kans., against John Richard Sallee.

ALLEGED VIOLATION: On 12-9-60, a number of unlabeled paper bags containing *amphetamine sulfate tablets* were caused to be shipped from Missouri to Kansas.

CHARGE: When shipped, the tablets failed to bear a label containing, 502(b) (1)—the name and place of business of the manufacturer, packer, or distributor; 502(b) (2)—an accurate statement of the quantity of contents in terms of numerical count; 502(e) (1)—the common or usual name of the drug; 502(f) (1)—adequate directions for use; 502(f) (2)—adequate warnings against use; and 503(b) (4)—the tablets were drugs subject to 503(b) (1) and they did not bear a label containing the statement "Caution: Federal law prohibits dispensing without prescription."

PLEA: Guilty.

DISPOSITION: 6-8-61. 1 year imprisonment to run concurrently with the sentence imposed on the defendant as reported in notices of judgment on drugs and devices, No. 6961 (F.D.C. No. 45254).

6912. Various prescription drugs. (F.D.C. No. 45932. S. Nos. 36-112 R, 36-114/18 R.)

QUANTITY: 2 ctns., 3 shopping bags, and 8,149 btl., pkgs., and/or boxes, having an approximate total value of \$5,000, at Palisades Park, N.J., in possession of Marshel Sales Co. (Samuel Udin).

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: (Some labels) "Complimentary," "Physician's Sample," or similar wording.

RESULTS OF INVESTIGATION: Some of the articles were unlabeled bottles which had been repacked by the dealer from physicians' samples received from various drug manufacturers' salesmen from outside the State of New Jersey. Some of the articles consisted of quantities of prescription drugs originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs, and bearing labels containing "Caution: Federal law prohibits dispensing without prescription" and the words "Complimentary," "Physicians Sample," or similar wording, and the names and addresses of manufacturers, packers, or distributors located outside the State of New Jersey.

LIBELED: 6-9-61, Dist. N.J.; amended libel 6-13-61.

CHARGE: 502(a)—while held for sale, the statements "Complimentary," "Physicians Sample," and similar wording borne on the labels of the articles of drug which had not yet been repacked by the dealer were false and misleading as applied to such articles in possession of a repacker and intended for sale and not intended for use as "complimentary—not for sale" samples for physicians and others lawfully engaged in dispensing prescription drugs; 502(b)—the repacked articles of drug failed to bear a label containing (1) the

*See also Nos. 6901, 6904, 6908.