4310. Misbranding of dl-desoxyephedrine HCl tablets and amphetamine sulfate tablets. U. S. v. Woodard Roberts Mitchell. Plea of not guilty. Tried to the court. Verdict of guilty. Fine of $100 and imprisonment for 1 year on each of 3 counts of indictment; prison sentence suspended and defendant placed on probation for 5 years. (F. D. C. No. 35127. Sample Nos. 61166–L, 61169–L, 61170–L.)

INDICTMENT RETURNED: October 6, 1953, Western District of Oklahoma, against Woodard Roberts Mitchell, pharmacist and manager of the K & W Drug, Oklahoma City, Okla.

NATURE OF CHARGE: On or about January 21, 1953, while a number of *dl-desoxyephedrine HCl tablets* and *amphetamine sulfate tablets* were being held for sale at the K & W Drug, after shipment in interstate commerce, the defendant caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: The defendant having entered a plea of not guilty, the case came on for trial before the court without a jury, and on January 27, 1954, the trial was concluded with the return of a verdict of guilty. On March 10, 1954, the court imposed a fine of $100 and imprisonment of 1 year on each of the 3 counts of the indictment, but suspended the prison sentence and placed the defendant on probation for 5 years.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

4311. Misbranding of ACC capsules. U. S. v. 228 Bottles * * *. (F. D. C. No. 36187. Sample No. 62762–L.)

LIBEL FILED: December 15, 1953, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 11 and 19, 1953, from Portland, Ind.

PRODUCT: 228 100-capsule bottles of *ACC capsules* at Memphis, Tenn., in possession of the Pantaze Drug Stores.

RESULTS OF INVESTIGATION: In the October 19, 1953, issue of a local Memphis newspaper there appeared above the name of the dealer an advertisement for *ACC capsules.*

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in providing relief from the tortures of arthritis and rheumatic pains, which were the conditions and purposes for which the drug was recommended in the October 19, 1953, issue of a Memphis newspaper. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 27, 1954. Default decree of condemnation and destruction.