4324. Misbranding of dextro-amphetamine sulfate tablets. U. S. v. Gonzales B. Azcona (Hi-Way Drug Store), and Louis A. Bourg. Plea of not guilty by Gonzales B. Azcona and plea of nolo contendere by Louis A. Bourg. Fine of $25 on each of counts 1 and 2 against Louis A. Bourg, with imposition of sentence suspended on count 3 and this defendant placed on probation for 1 year. Gonzales B. Azcona tried to the court and found not guilty. (F. D. C. No. 34842. Sample Nos. 46975–L, 46976–L, 46978–L.)

INFORMATION FILED: June 2, 1953, Eastern District of Louisiana, against Gonzales B. Azcona, trading as the Hi-Way Drug Store, New Orleans, La., and Louis A. Bourg, a pharmacist in the store.

NATURE OF CHARGE: On or about September 23 and 29 and October 2, 1952, while a number of *dextro-amphetamine sulfate tablets* were being held for sale at the Hi-Way Drug Store, after shipment in interstate commerce, the defendants were alleged to have caused various quantities of the drug to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drug being misbranded while held for sale.

DISPOSITION: Gonzales B. Azcona entered a plea of not guilty and Louis A. Bourg entered a plea of nolo contendere. On June 24, 1953, the court fined Louis A. Bourg $25 on each of counts 1 and 2 of the information, suspended the imposition of sentence on count 3, and placed this defendant on probation for 1 year. The case against Gonzales B. Azcona came on for trial before the court without a jury on July 1, 1954. The trial was concluded on the same day, with the return of a verdict of not guilty for this defendant.

4325. Misbranding of pentobarbital sodium capsules. U. S. v. Fannie Smith, also known as Fannie Smith Shell. Plea of not guilty. Tried to the court and jury. Plea changed to guilty after introduction of Government's evidence. Sentence of 1 year in jail. (F. D. C. No. 34335. Sample Nos. 12124–L, 12125–L, 35698–L.)

INFORMATION FILED: On or about April 14, 1953, Eastern District of Tennessee, against Fannie Smith, also known as Fannie Smith Shell, Johnson City, Tenn.

NATURE OF CHARGE: On or about June 11 and July 16, 1952, while a number of *pentobarbital sodium capsules* were being held for sale at Johnson City, Tenn., after shipment in interstate commerce, the defendant caused a number of the capsules to be dispensed without a prescription from a practitioner licensed by law to administer such drug. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drug 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 and jury on March 8, 1954. After the introduction of the Government's evidence, the defendant entered a plea of guilty, and on March 29, 1954, the court sentenced the defendant to serve 1 year in jail.