

Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: May 4, 1954. The defendant having entered a plea of guilty, the court fined him \$1,000 and sentenced him to 3 months in jail, but suspended the jail sentence and placed him on probation for 18 months.

4346. Misbranding of Seconal Sodium capsules. U. S. v. Sidney Halpern. Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 35562. Sample Nos. 70511-L, 70512-L.)

INFORMATION FILED: November 3, 1953, Eastern District of Kentucky, against Sidney Halpern, a pharmacist for the W. L. Foertmeyer Drugs, Bellevue, Ky.

NATURE OF CHARGE: On or about May 19 and 28, 1953, while a number of *Seconal Sodium capsules* were being held for sale at the W. L. Foertmeyer Drugs, after shipment in interstate commerce, Defendant Halpern caused a number of capsules 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: March 8, 1954. The defendant having entered a plea of guilty, the court fined him \$200, plus costs.

4347. Misbranding of secobarbital sodium capsules. U. S. v. Jack L. Kramer and Hyman Fineman. Pleas of guilty. Fine of \$1,000 and sentence of 3 months in jail against each defendant; jail sentence suspended and each defendant placed on probation for 6 months. (F. D. C. No. 35564. Sample Nos. 72308-L to 72310-L, incl.)

INDICTMENT RETURNED: September 28, 1953, District of Columbia, against Jack L. Kramer and Hyman Fineman, partners in the partnership of Simpson's Modern Pharmacy, Washington, D. C.

NATURE OF CHARGE: On or about August 12 and 17, 1953, the defendants caused quantities of *secobarbital sodium 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: February 26, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$1,000 and sentenced each to 3 months in jail. The court suspended the jail sentence and placed each defendant on probation for 6 months.

4348. Misbranding of Tasapan Pearls. U. S. v. 168 Bottles * * *. (F. D. C. No. 35411. Sample No. 66976-L.)

LIBEL FILED: September 10, 1953, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 8, 1952, and April 7, 1953, from Jersey City, N. J.

PRODUCT: 168 bottles of *Tasapan Pearls* at Philadelphia, Pa., in possession of Joseph Freiberg.

RESULTS OF INVESTIGATION: The product, after its receipt by the consignee at Philadelphia, Pa., was resold to Joseph Freiberg, in whose possession it was relabeled as set forth below.

LABEL, IN PART: (Bottle) "Caution—To Be Used Only By Or On The Prescription Of A Physician 25 Tasapan Pearls * * * A carefully prepared combination of pennyroyal, apiol, powdered ext. of ergot, aloin, savin, rue, and vegetable oil in a soft gelatin pearl."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since its labeling failed to reveal the purposes for which the article was to be taken; and, Section 503 (b) (4), the article was a drug which was subject to Section 503 (b) (1) (B), and its label failed to bear the statement "Caution: Federal law prohibits dispensing without prescription." The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: March 24, 1954. Default decree of condemnation and destruction.

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

4349. Misbranding of pituitary tablets. U. S. v. 1 Bottle * * *. (F. D. C. No. 36288. Sample No. 82555-L.)

LIBEL FILED: January 14, 1954, Western District of New York.

ALLEGED SHIPMENT: On or about August 24, 1953, by Richlyn Laboratories, from Philadelphia, Pa.

PRODUCT: 1 bottle containing 10,000 *pituitary tablets* at Rochester, N. Y.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it did not state the conditions in which the article was to be used.

DISPOSITION: February 12, 1954. Default decree of condemnation and destruction.

4350. Misbranding of Triulcin tablets. U. S. v. 13 Cases, etc. (F. D. C. No. 36072. Sample No. 50541-L.)

LIBEL FILED: November 4, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 10, 1953, from Newark, N. J.

PRODUCT: *Triulcin tablets*. 13 cases, containing a total of 86,600 tablets, and 126 cartons, each carton containing 100 tablets and a leaflet entitled "Further Facts About Triulcin," at New Rochelle, N. Y., in possession of S. B. Leonardi & Co., Inc., together with an additional quantity of the leaflets and a number of empty cartons labeled in the same manner as the 126-carton lot.

RESULTS OF INVESTIGATION: When originally shipped from Newark, N. J., the tablets were contained in 15 cases, each containing 140 cellophane strips and each strip containing 50 tablets. Upon receipt of the tablets by the consignee, a portion of the shipment was repackaged into cartons, with the balance of the shipment, consisting of 13 cases, being held for repackaging into the above-mentioned empty cartons.

LABEL, IN PART: (Carton) "Triulcin Indicated for relief of stomach Ulcer Pains and discomfort due to excessive stomach acidity 100 Tablets * * *

Active Ingredients: Hibiscus Esculentus, Water-soluble Chlorophyllin, Aluminum Hydroxide Gel, Magnesium Trisilicate, Excipients and Flavor. Average Dose: 10 tablets daily—2 on arising, 2 on retiring, and 2 after each meal (at

*See also No. 4348.